

MEETING DATE: 01/23/12

AGENDA ITEM: (1) Adoption of an Ordinance Amending the Culver City Municipal Code to Add a New Chapter 15.13 Relating to Mobile Home Park Resident Protection; and (2) Adoption of a Resolution Establishing the Fees for Processing a Relocation Impact Report Application.

ATTACHMENTS

	<u>Pages</u>
1. Proposed Ordinance	1 – 18
2. Proposed Resolution	19 – 21

ORDINANCE NO. 2012-

AN ORDINANCE OF THE CITY OF CULVER CITY, CALIFORNIA,
AMENDING TITLE 15, LAND USAGE, OF THE CULVER CITY
MUNICIPAL CODE TO ADD A NEW CHAPTER 15.13 RELATING TO
MOBILE HOME PARK RESIDENT PROTECTION.

NOW THEREFORE, the City Council of the City of Culver City, California,
DOES HEREBY ORDAIN as follows:

SECTION 1. Title 15, Land Usage, of the Culver City Municipal Code is
hereby amended to add a new Chapter 15.13 relating to Mobile Home Park resident
protection as follows:

CHAPTER 15.13: - MOBILE HOME PARK RESIDENCE PROTECTION**Sections:**

- 15.13.005 - Purpose and Applicability
- 15.13.010 - Definitions
- 15.13.015 - Mobile Home Park Change of Use or Closure
- 15.13.020 - Application Filing for Relocation Impact Report
- 15.13.025 - Required Notification
- 15.13.030 - Informational Meetings
- 15.13.035 - Relocation Impact Report
- 15.13.040 - Findings and Conditions of Approval
- 15.13.045 - Relocation Assistance Benefits
- 15.13.050 - Exemption from Relocation Assistance Benefits
- 15.13.055 - Fees

15.13.005 - Purpose and Applicability

- A. **Purpose.** It is the intent of this Chapter to carry out and supplement the requirements of State law for the purpose of mitigating adverse impacts of the closure or change of use of a Mobile Home Park to other uses or the discontinuance of use of Mobile Home Parks on eligible, displaced Mobile Home Owners and residents by requiring Mobile Home Park Owners to provide adequate Relocation Assistance Benefits. The provisions of this

Chapter shall not preclude an Applicant's obligation to comply with State law requirements that are not addressed in this Chapter.

B. Applicability.

1. Except as otherwise provided, this Chapter shall apply to all existing and/or future Mobile Home Parks.
2. This Chapter shall not apply to:
 - a. A Resident-Owned Mobile Home Park; or
 - b. The discontinuance of the use of property as a Mobile Home Park which is the result of an adjudication of bankruptcy of the Mobile Home Park by a court of competent jurisdiction. The Applicant shall have the burden to produce substantial evidence that a court of competent jurisdiction has determined in connection with a proceeding in bankruptcy that the discontinuance of use of the affected Mobile Home Park is necessary. The documentation shall include the title, case number, and court in which the bankruptcy proceedings were held, and certified copies of all pertinent judgments, orders and decrees of the court.
 - c. A Mobile Home Park where the Applicant has entered into a written agreement with 100 percent of the Eligible Occupants providing for mutually satisfactory Relocation Assistance Benefits. The written agreement shall comply with the requirements of Sections 15.13.050.C.1.a and 15.13.050.C.1.b.

15.13.010 - Definitions

In addition to the definitions contained elsewhere in this Code, the following words and phrases shall, for the purposes of this Chapter, be defined as follows, unless it is clearly apparent from the context that another meaning is intended. Should any of the definitions be in conflict with any other provision of this Code, these definitions shall prevail.

Applicant. The person, firm, corporation, partnership, or other entity having leasehold interest in or fee ownership of a Mobile Home Park. If the holder of the majority interest in the fee ownership of the Mobile Home Park is not the Applicant, then the Applicant must provide evidence of the majority interest owner's consent to the filing of the application for consideration of a Relocation Impact Report. If the Applicant is the holder of a leasehold interest in the Mobile Home Park, the owner(s) of the fee interest in the Mobile Home Park shall consent to the application for consideration of a Relocation Impact Report.

1 **City Council.** The City Council of the City of Culver City.

2 **Change of Use of a Mobile Home Park.** Use of a Mobile Home Park for a purpose
3 other than the rental or the holding out for rent of two or more Mobile Home Spaces
4 to accommodate Mobile Homes used for human habitation. Change of Use shall
5 not mean the adoption, amendment, or repeal of a Mobile Home Park rule or
6 regulation. Change of Use may affect an entire Mobile Home Park or any portion
7 thereof. A Change of Use shall not include a change to a Resident-Owned Mobile
8 Home Park.

9 **Closure of a Mobile Home Park or Mobile Home Park Closure.** The
10 discontinuance of the use of property as a Mobile Home Park.

11 **Director.** The City of Culver City Community Development Director or his/her
12 designee.

13 **Eligible Occupant.** A Mobile Home Owner residing in the Mobile Home on a full
14 time basis and his or her "immediate family," as that term is defined in California
15 Civil Code Section 798.35, who resides in the Mobile Home at the time of filing of
16 the Relocation Impact Report application with the City. Eligible Occupant shall
17 include a Mobile Home Owner who is subleasing his or her Mobile Home, pursuant
18 to the provisions of California Civil Code Section 798.23.5, due to a medical
19 emergency or medical treatment that requires the Mobile Home Owner's temporary
20 absence from his or her home. Eligible occupant shall not include a Non-Owner
21 Resident.

22 **Housing and Urban Development (HUD).** The United States Department of
23 Housing and Urban Development.

24 **Housing Division.** The Housing Division of the City of Culver City.

25 **Mobile Home.** A structure designed for human habitation and for being moved on a
26 street or highway under permit pursuant to California Vehicle Code Section 35790.
27 Mobile home does not include a recreation vehicle, as defined in California Civil
28 Code Section 799.29, except as modified by California Civil Code Section 798.3 (b),
or a commercial coach, as defined in California Health and Safety Code Section
18218.

Mobile Home Owner. The registered owner(s) of a Mobile Home, or person(s)
purchasing a Mobile Home pursuant to a written contract.

Mobile Home Park. An area of land where two or more Mobile Home Spaces are
rented, or held out for rent, to accommodate Mobile Homes used for human
habitation. Mobile Home Park shall not include a Resident-Owned Mobile Home
Park.

1 **Non-Owner Resident.** A resident of a Mobile Home who does not have any
ownership interest in the Mobile Home in which he or she resides.

2 **Park-Owned Mobile Home.** Any Mobile Home which is owned by the Mobile Home
3 Park owner or any person or entity which has an ownership interest in the Mobile
4 Home Park.

5 **Relocation Assistance Benefits.** Monetary benefits (e.g. cost of moving a Mobile
6 Home and personal belongings, rent differential, the purchase of an Eligible
7 Occupant's Mobile Home) or non-monetary benefits (e.g. services of a relocation
specialist, transportation to view alternative housing sites, packing and unpacking
8 assistance) provided to mitigate the impact of the Change of Use or Closure of the
Mobile Home Park on an Eligible Occupant.

9 **Relocation Impact Report.** A report on the impact of a Closure or Change of Use
10 of a Mobile Home Park upon the displaced residents of such Mobile Home Park, as
required by California Government Code Sections 65863.7 and 66427.4 and
11 containing the information set forth in Section 15.13.035 of this Chapter.

12 **Resident-Owned Mobile Home Park.** A Mobile Home Park that is owned by its
13 residents, including, but not limited to, a condominium, stock cooperative or planned
unit development of a Mobile Home Park.

14 **Space.** Any area, tract of land, site, lot, pad or portion of a Mobile Home Park
15 designated or used for the occupancy of one Mobile Home.

16 **15.13.015 - Mobile Home Park Change of Use or Closure**

- 17
- 18 **A.** No Mobile Home Park Closure, resulting in a change of the Mobile Home
Park status to a vacant use, shall be permitted unless the Applicant has
19 submitted to the Housing Division a Relocation Impact Report approved by
the City Council; and the Applicant has filed a written statement with the
20 Director, signed under penalty of perjury, that Relocation Assistance Benefits
required pursuant to the approved Relocation Impact Report have been
21 provided, that the Applicant has complied with all Relocation Impact Report
conditions of approval, and the notice period provided by the notice of
22 termination of tenancy, as set forth in Section 15.13.025.C, has expired.
- 23 **B.** No application for a General Plan amendment, zoning designation
24 amendment or any other land use permit that would result in a Change of
Use or Closure of a Mobile Home Park shall be deemed complete unless the
25 Applicant has submitted a Relocation Impact Report approved by the City
Council in accordance with the provisions of this Chapter.
- 26 **C.** No Relocation Impact Report shall be accepted by the City, which was
27 approved by the City Council more than six months prior to the date of the
28

1 filing of an application for a General Plan amendment, zoning designation
2 amendment or any other land use permit that would result in a Change of
Use or Closure of a Mobile Home Park.

- 3 D. No building permit shall be issued pertaining to a project that results in a
4 Change of Use or Closure of a Mobile Home Park unless and until the
5 Applicant files a written statement with the Director, signed under penalty of
6 perjury, that Relocation Assistance Benefits required pursuant to the
7 approved Relocation Impact Report have been provided, that the Applicant
has complied with all Relocation Impact Report conditions of approval, and
the notice period provided by the notice of termination of tenancy, as set forth
in Section 15.13.025.C, has expired.

8
9 **15.13.020 - Application Filing for Relocation Impact Report**

- 10 A. A Relocation Impact Report application shall be completed, filed with the
11 Housing Division and processed in compliance with this Chapter. The
12 application package shall include all information specified in the application,
13 any applicable Housing Division handout, any additional information required
by the Director in order to conduct a thorough review of the proposed
application, and all applicable fees.
- 14 B. It is the responsibility of the Applicant to establish evidence in support of the
15 finding required by Section 15.13.040.A.

16
17 **15.13.025 - Required Notification**

18 The following notification requirements are in addition to any State law notification
19 requirements relating to the Change of Use or Closure of a Mobile Home Park.
Where the requirements of State law and this Chapter conflict, the Applicant shall
20 comply with the more stringent requirement.

- 21 A. Upon the filing of a Relocation Impact Report application, the Applicant shall
22 provide written notification to each prospective new resident of the Mobile
23 Home Park that such application has been filed with the City and that any
24 new resident entering the Mobile Home Park after the filing of the Relocation
25 Impact Report shall not be eligible to receive Relocation Assistance Benefits.
Such written notification shall be given to the prospective resident prior to the
26 purchase of a Mobile Home and/or execution of a rental agreement or
commencement of the resident's occupancy, whichever occurs first. Proof of
27 service, signed under penalty of perjury, that each prospective resident
received by mail or personal delivery the notification required by this
28 Subsection 15.13.025.A shall be filed with the Director.

- 1 B. Not later than 45 days prior to the public hearing to consider the Relocation
2 Impact Report, the Applicant shall provide written notification to each Mobile
3 Home Owner and resident in the Mobile Home Park of the dates, times, and
4 locations of the public hearing and the informational meetings required to be
5 held pursuant to Section 15.13.030. Such written notification shall include a
6 copy of the proposed Relocation Impact Report and a copy of this Chapter.
7 The copies shall be provided free of charge. Proof of service, signed under
8 penalty of perjury, that each Mobile Home Owner and resident of the Mobile
9 Home Park has received by mail or personal delivery the notification and
10 copies required by this Subsection 15.13.025.B, must be filed with the
11 Director at least 14 days prior to the public hearing.
- 12 C. Not later than 12 months prior to the date the Mobile Home Owners and
13 residents of the Mobile Home Park are required to vacate the Mobile Home
14 Park, Applicant shall provide written notification of termination of tenancy, by
15 certified mail, to all Mobile Home Owners and residents of the Mobile Home
16 Park. This notice shall not be given to Mobile Home Owners and residents
17 prior to approval of the Relocation Impact Report.

18 **15.13.030 Informational Meetings**

- 19 A. Not later than 21 days prior to the public hearing to consider the Relocation
20 Impact Report, the Applicant shall conduct at least one informational meeting
21 for the Mobile Home Owners and residents of the Mobile Home Park
22 regarding the status of the Relocation Impact Report to be considered, the
23 timing of the proposed relocation of Eligible Occupants, and the details of the
24 Relocation Assistance Benefits proposed in the Relocation Impact Report.
- 25 B. All informational meetings shall be scheduled and held to maximize the
26 number of Mobile Home Owners and residents of the Mobile Home Park that
27 are able to attend these meetings. The informational meeting or meetings
28 shall be conducted on the premises of the Mobile Home Park or other
appropriate location as approved by the Director. The Applicant's retained
Relocation Specialist(s) designated in the Relocation Impact Report shall be
present at all informational meetings.
- C. Not later than 14 days prior to the public hearing to consider the Relocation
Impact Report, the Applicant shall file with the Director a statement made
under penalty of perjury that the Applicant has complied with the
requirements of this Section 15.13.030. Such statement shall include the
date, time, and place where such informational meeting or meetings were
conducted and the names and addresses of all attendees.

15.13.035 - Relocation Impact Report

A. **Purpose.** The purpose of the Relocation Impact Report is to address the impact on residents of a Mobile Home Park, who qualify as Eligible Occupants, who will be displaced as a result of the Change of Use or Closure of the Mobile Home Park.

B. **Process.**

1. The Applicant shall select a consultant and relocation specialist (hereinafter, collectively, "Relocation Specialist"), subject to the Director's approval, to prepare a Relocation Impact Report relating to the Change of Use or Closure of a Mobile Home Park.

2. Upon the filing of a Relocation Impact Report application, the City shall notify the Mobile Home Park residents that such application has been filed and a Relocation Impact Report will be prepared.

C. **Required Content of Report.** The Relocation Impact Report shall contain, but need not be limited to, the following information:

1. A legal description of the Mobile Home Park property.

2. A map and detailed description of the condition of the Mobile Home Park, including the nature and location of structures, landscaping, easements, utilities and other onsite features and amenities.

3. The names and addresses of all Mobile Home Owners within the Mobile Home Park as shown on each respective title documentation for the Mobile Homes located in Spaces within the Mobile Home Park, and the names and addresses of all residents within the Mobile Home Park as of the date of the Relocation Impact Report application.

4. The number of Spaces within the Mobile Home Park, length of occupancy by the current residents of each Space, and the current lease or rental rate for each Space, including a full description of all utilities separately billed by the Mobile Home Park to the residents and any utilities that may be included in the lease or rental rate for the Space.

5. For each Mobile Home within the Mobile Home Park, the age, date of manufacture, type, width, size, and Space number, and a copy of a title search conducted through the California Department of Housing and Community Development.

6. The total number of residents in each Mobile Home, each resident's Space number, resident status (Eligible Occupant or Non-Owner

1 Resident), whether any residents are the "immediate family," as that
2 term is defined in California Civil Code Section 798.35, of the Eligible
3 Occupant, residents' names and whether the Mobile Home is a
4 principal residence or second home. All residents shall be classified
5 as Eligible Occupants or Non-Owner Residents.

- 6
7 7. A description of the project proposed for the property that is the
8 subject of the Mobile Home Park Change of Use or Closure, if
9 applicable.
- 10 8. The proposed schedule for the Mobile Home Park Change of Use or
11 Closure.
- 12 9. The location of all reasonably comparable Mobile Home Parks within a
13 20 mile radius of the Mobile Home Park that is the subject of the
14 Change of Use or Closure, including the reasonably comparable
15 Mobile Home Park name, number of Spaces, number of vacancies,
16 lease rates and terms, policies, age or other restrictions imposed upon
17 the residents of a Mobile Home, restrictions on the type of Mobile
18 Homes and residents accepted in the Mobile Home Park, amenities
19 offered, and proximity to services (bus stops, grocery stores, hospitals,
20 etc.).
- 21 10. A determination of the total number of Mobile Homes eligible to be
22 relocated to a reasonably comparable Mobile Home Park, and the
23 basis on which such determination is made.
- 24 11. The estimated cost of relocating the eligible Mobile Homes identified in
25 Subsection 10 above to available Spaces in reasonably comparable
26 Mobile Home Parks within the area identified in the Relocation Impact
27 Report. The cost of relocating shall include the costs of physically
28 moving to a new site the eligible Mobile Home and movable
improvements, such as patios, carports and porches. Such costs may
include the dismantling, packing, moving, unpacking, reassembling,
and rebuilding of the Mobile Home and movable improvements
(including skirting and tie-downs), and the packing, moving and
unpacking of all personal property.
12. An estimate of the cost of purchasing each Mobile Home, and all
associated fixed property, that cannot be relocated to a reasonably
comparable Mobile Home Park within 20 miles of its existing location,
at its in-place value as determined by a qualified appraiser. In
determining the in-place value, the appraiser shall consider: (a) each
Mobile Home in its current location assuming the continuation of the
Mobile Home Park in a safe, sanitary, and well-maintained condition
with competitive lease rates; and (b) the value of the Mobile Home
attributable to the Mobile Home Park location and amenities. The

1 appraiser shall not consider the effect of the Change of Use or Closure
2 of the Mobile Home Park on the value of the Mobile Home and the
value of the land on which the Mobile Home sits.

3 13. The basis for a conclusion that a Mobile Home and all associated fixed
4 property cannot be relocated to a reasonably comparable Mobile
5 Home Park and the basis for determining the in-place value of such
Mobile Home.

6 14. The availability and cost of rental housing of reasonably comparable
7 size and quality within a 15 mile radius of the Mobile Home Park.

8 15. A relocation plan which shall include a schedule for physically
9 relocating each Mobile Home, and/or payment of relocation
assistance.

10 16. Proposed measures to adequately mitigate the adverse impacts of the
11 Change of Use or Closure of the Mobile Home Park upon each Eligible
12 Occupant based on the information provided in the Relocation Impact
Report.

13 17. A list of Mobile Home movers and housing specialists with proven
14 expertise in the fields of housing and relocation of persons displaced
15 from housing. This list shall include the names, addresses, and
16 telephone numbers of persons who are qualified as Mobile Home
movers, and an explanation of the services that each housing
specialist provides.

17 18. Any additional information required by the Director in order to conduct
18 a thorough review of the impacts to Eligible Occupants and the
proposed Relocation Impact Report.

19 19. Applicant's retained Relocation Specialist shall determine what
20 constitutes a "reasonably comparable" mobile home park or other
21 rental housing, as referenced in this Subsection 15.13.035.C.

22 D. **Confidential Household and Income Data.** Applicant's retained Relocation
23 Specialist shall provide the Housing Division with the income information for
24 each household within the Mobile Home Park, as well as the ages and
25 number of residents who are physically disabled in each household. Such
confidential information shall not be discloseable under the Public Records
Act, and shall not be included in the Relocation Impact Report, but provided
separately on a Housing Division-approved form.

26 E. **Notification and Availability of Report.** The Relocation Impact Report
27 approved by the City Council shall remain on file with the Director for review
28 by any interested person. Within 10 days of the City Council's approval of

1 the Relocation Impact Report, the City shall notify each of the Mobile Home
2 Park Owners, Mobile Home Owners and Mobile Home Park residents of the
approval and availability of the Relocation Impact Report.

3 **F. Expiration and Extension of Report.**

- 4 1. The Relocation Impact Report shall expire one year from the date of its
5 approval unless 55 percent or more of the Eligible Occupants receive
6 Relocation Assistance Benefits in accordance with the approved
7 Relocation Impact Report, or the Applicant requests an extension
8 setting forth justification for not having proceeded within the one-year
9 period. No more than two extensions may be granted by the City
10 Council. A request for an extension must be filed with the Director not
11 less than 45 days prior to the expiration of the Relocation Impact
12 Report. A public hearing before the City Council shall be held on the
13 request of the Applicant. If such extension occurs, all required
14 deadlines set forth in the Relocation Impact Report will also be
15 extended for the same time period granted by the extension of the
16 Relocation Impact Report.
- 17 2. If Relocation Assistance Benefits have not been provided to all Eligible
18 Occupants within one year of approval of the Relocation Impact
19 Report, on the anniversary date each year after the approval of the
20 Relocation Impact Report, the Relocation Assistance Benefits shall be
21 increased by an amount equivalent to the cost-of-living index for the
22 Los Angeles/Riverside/Orange County area published by the U.S.
23 Department of Labor. The increase shall be determined by taking the
24 average CPI for the quarterly period closest to the anniversary date of
25 the approval of the Relocation Impact Report.
- 26 3. If Relocation Assistance Benefits have not been provided to all Eligible
27 Occupants in accordance with the approved Relocation Impact Report
28 within three years of the original date of approval, a new Relocation
Impact Report shall be prepared in accordance with Section
15.13.035.

22 **15.13.040 - Findings and Conditions of Approval**

23 **A. Required Finding.**

24 Following a public hearing, the City Council shall, by resolution, record its
25 decision of whether to approve, conditionally approve or reject the Relocation
26 Impact Report. The Relocation Impact Report may be approved, with or
27 without conditions, only after first adopting a written finding that the mitigation
28 measures set forth in the Relocation Impact Report will adequately mitigate
the adverse impacts of the Change of Use or Closure of the Mobile Home

1 Park on Eligible Occupants. The criteria considered when making such a
2 finding shall include, but not be limited to, one or more of the following:

- 3 1. All requirements of applicable State law and this Chapter have been
4 satisfied.
- 5 2. Whether there will exist, at the time of Change of Use or Closure of the
6 Mobile Home Park available Spaces within a reasonably comparable
7 Mobile Home Park located within a 20 mile radius of the City to
8 accommodate the displaced eligible Mobile Homes.
- 9 3. Whether the age, type, condition, and style of Mobile Homes within the
10 Mobile Home Park proposed for Change of Use or Closure are such
11 that the Mobile Homes are able to be moved and accepted into
12 reasonably comparable parks located within a 20 mile radius of the
13 City.
- 14 4. Whether the Eligible Occupant cannot relocate to a reasonably
15 comparable Mobile Home Park located within a 20 mile radius of the
16 City and the justification for that conclusion.
- 17 5. Whether there is evidence that the Applicant has attempted, at any
18 time, to evict or otherwise cause the removal of Eligible Occupants for
19 the purpose of avoiding or reducing payment of Relocation Assistance
20 Benefits.
- 21 6. Whether reports and notices required by applicable State law and this
22 Chapter have been properly prepared and properly served.
- 23 7. If the Change of Use or Closure of the Mobile Home Park is to another
24 residential use, whether the residents of the Mobile Home Park will
25 have an opportunity to rent or purchase, if for sale, the new units, and
26 whether the construction schedule will result in unreasonable long-
27 term displacements.
- 28 8. Whether the Relocation Assistance Benefits to be provided adequately
mitigate any adverse impacts of the Change of Use or Closure of the
Mobile Home Park on the Eligible Occupants.
9. Based upon the mitigation measures proposed, whether the proposed
Change of Use or Closure of the Mobile Home Park is consistent with
the goals, policies, and objectives of the City's General Plan, any
applicable Specific Plans, and provisions of the Zoning Code.
10. Based upon the mitigation measures proposed, whether the proposed
Change of Use or Closure of the Mobile Home Park will be detrimental
to the public health, safety and general welfare.

1 **B. Conditions of Approval.**

2 In approving a Relocation Impact Report, the City Council may impose
3 conditions to adequately mitigate any adverse impacts on Eligible Occupants
4 that are associated with the Change of Use or Closure of the Mobile Home
5 Park. Conditions of approval may include, but are not limited to, the
6 following:

7 1. Consistent with California Government Code Section 65863.7(e),
8 payment of the reasonable cost of relocation to each Eligible Occupant
9 who resided in the Mobile Home Park at the time of the filing of the
10 Relocation Impact Report application and who will actually be
11 displaced as a result the Change of Use or Closure of the Mobile
12 Home Park. Reasonable cost of relocation may include, but shall not
13 be limited to:

14 a. Payment of the cost of relocating the eligible Mobile Homes
15 identified in the Relocation Impact Report to available Spaces in
16 reasonably comparable Mobile Home Parks within the study
17 area referenced in the Relocation Impact Report. The cost of
18 relocating the eligible Mobile Homes shall include the costs of
19 physically moving to a new site the eligible Mobile Home and
20 movable improvements, such as patios, carports and porches.
21 Such costs may include the dismantling, packing, moving,
22 unpacking, reassembling, and rebuilding of the Mobile Home
23 and movable improvements (including skirting and tie-downs),
24 and the packing, moving and unpacking of all personal property.

25 b. For Eligible Occupants who are unable to reasonably relocate
26 their Mobile Home, payment of the cost of purchasing their
27 Mobile Home based on information contained in the approved
28 Relocation Impact Report as set forth in Section
29 15.13.035.C.12, and reasonable expenses incurred in
30 relocating to a new residence within the study area referenced
31 in the Relocation Impact Report.

32 c. Payment to Eligible Occupants of a lump sum to compensate
33 for payment of the first and last months rent at a reasonably
34 comparable Mobile Home Park or other rental housing, as
35 determined by the Relocation Specialist.

36 d. Based on a showing of financial hardship, the payment to
37 Eligible Occupants of a security deposit at a new Mobile Home
38 Park or other rental housing may be considered.

39 2. If the Mobile Home Park is to be developed into another residential
40 use, a requirement to set aside a certain number of affordable units for

1 the low income residents of the Mobile Home Park, either on-site or
2 off-site within the City limits, pursuant to the provisions of the State
affordable housing law.

3 3. If the Mobile Home Park is to be converted to another residential use,
4 a requirement to offer residential units for rental or purchase first to
Eligible Occupants of the existing Mobile Home Park.

5 4. The Applicant shall execute and record against the Mobile Home Park
6 property a covenant and agreement to comply with the conditions of
7 approval of the Resolution approving the Relocation Impact Report in
a form approved by the City Attorney.

8 C. **Reasonably Comparable Determination.** Applicant's retained Relocation
9 Specialist shall determine what constitutes a "reasonably comparable" mobile
home park or other rental housing, as referenced in this Section 15.13.040.

10 11 **15.13.045 - Relocation Assistance Benefits**

12 A. Not later than 30 days from the approval of the Relocation Impact Report, the
13 Applicant's retained Relocation Specialist(s), shall make personal contact
14 with each Eligible Occupant of the Mobile Home Park and commence
15 consultations to discuss the applicable Relocation Assistance Benefits to be
provided. The Relocation Specialist(s) shall give each Eligible Occupant
written notice of his or her Relocation Assistance Benefits.

16 B. In the case where an Eligible Occupant is entitled to make selections
17 between alternative Relocation Assistance Benefits, Applicant shall provide
18 written notice to each such Eligible Occupant that he or she has 90 days to
19 select his or her Relocation Assistance Benefits. Not later than 90 days from
20 the date of notification to the Eligible Occupants of their respective alternative
21 Relocation Assistance Benefits, Eligible Occupants shall submit to the
22 Applicant their selection of Relocation Assistance Benefits in writing on a
form provided by the Relocation Specialist(s). If an Eligible Occupant does
not submit his or her selection of Relocation Assistance Benefits to the
Applicant within the 90-day period, the Applicant may select the Relocation
Assistance Benefits on behalf of the Eligible Occupant.

23 C. Cash or monetary relocation assistance benefits shall be paid to the Eligible
24 Occupant at least 45 days prior to the date the Eligible Occupant is required
to vacate the Mobile Home Park.

25 D. A request for modification of the time limits set forth in subsections A, B and
26 C shall be considered by the City Council at the public hearing for the
27 Relocation Impact Report.
28

- 1 E. No Change of Use or Closure of a Mobile Home Park shall be permitted until
2 all Relocation Assistance Benefits required by the approved Relocation
3 Impact Report have been provided to all Eligible Occupants. An exception
4 may be made if the Applicant and an Eligible Occupant have agreed to an
5 alternate arrangement by written agreement, which must be approved by the
6 Director. The written agreement shall comply with the requirements of
7 Sections 15.13.050.C.1.a and 15.13.050.C.1.b.

8 **15.13.050 - Exemption from Relocation Assistance Benefits**

- 9 A. Any person who files a Relocation Impact Report application may, together
10 with such application, file a written request for a total or partial exemption
11 from the obligation to provide Relocation Assistance Benefits, accompanied
12 by a completed Relocation Impact Report. A request for exemption shall be
13 considered by the City Council at the public hearing for the Relocation Impact
14 Report.

- 15 B. If a request for an exemption is filed, the Applicant shall notify the Mobile
16 Home Owners and residents of the Mobile Home Park of the request for
17 exemption, providing them with a copy of the request for exemption and a
18 description of the project proposed for the property that is the subject of the
19 Change of Use or Closure of the Mobile Home Park.

- 20 C. A request for exemption from the obligation to provide Relocation Assistance
21 Benefits shall include a statement specifying at least one of the following
22 bases for the exemption:

- 23 1. The Applicant has entered into a written agreement with specified
24 Eligible Occupants providing for mutually satisfactory Relocation
25 Assistance Benefits. A request for exemption under this Subsection
26 shall apply to only those specified Eligible Occupants that have
27 reached an agreement with the Applicant and shall comply with the
28 following:

- a. The written agreement shall be in at least 12-point type and
shall include, but is not limited to, the following terms and
conditions:

- i. The Eligible Occupant is aware of the provisions of this
Chapter and a copy of this Chapter is attached to the
agreement.

- ii. The Eligible Occupant's right to seek advice of an
attorney prior to signing the agreement.

1 iii. A reasonable time table for the provision of relocation
2 assistance and a clause that such agreement shall
3 become void if such relocation assistance has not been
4 provided within the agreed upon time table.

5 iv. Any Eligible Occupant signing such an agreement may
6 rescind it in writing within 10 days of signing the
7 agreement.

8 v. No Eligible Occupant signing a relocation assistance
9 agreement may contest the adequacy of the Relocation
10 Impact Report.

11 b. The agreement shall be recorded against the Mobile Home
12 Park property on the records of the County of Los Angeles in
13 sufficient form and detail to advise a potential purchaser of the
14 fee interest in the Mobile Home Park property of the existence
15 of and content of the agreement.

16 c. ~~Any~~A prospective purchaser of an Eligible Occupant's Mobile
17 Home in the Mobile Home Park shall be advised as to the
18 existence of any such agreements between the Applicant and
19 the Eligible Occupant before purchasing a Mobile Home and
20 provided with a copy of the recorded agreements.

21 2. The provision of relocation assistance would eliminate substantially all
22 reasonable use and economic value of the property, and continued
23 use of the property as a Mobile Home Park would eliminate
24 substantially all reasonable use and economic value of the property for
25 reasons not caused or contributed to by the Mobile Home Park Owner.
26 A request for exemption under this Subsection shall be accompanied
27 by a qualified appraisal and shall include the following:

28 a. Statements of profit and loss from the operations of the Mobile
 Home Park for the five-year period prior to the date of the
 Relocation Impact Report application. Such statements must
 be certified by a certified public accountant. All such
 statements shall remain confidential to the extent permitted by
 law.

 b. If the Applicant contends that continued use of the property as a
 Mobile Home Park is economically infeasible due to the costs
 of necessary repairs, improvements or both, that are not the
 result of the Mobile Home Park Owner's negligent failure to
 properly maintain the Mobile Home Park, then the following
 items must accompany the request for exemption:

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- i. A statement made under penalty of perjury by a State licensed general contractor, experienced in the design, construction and maintenance of a California Mobile Home Park, which shall include the following:
 - (a) Contractor has thoroughly inspected the entire Mobile Home Park, has determined that repairs and improvements must be made to the Mobile Home Park to maintain it in a decent, safe and sanitary condition, and that those repairs are not the result of the Mobile Home Park Owner's or Applicant's negligent failure to properly maintain the property.
 - (b) An itemized statement of improvements and repairs and the estimated costs of those improvements and repairs due to deferred maintenance.
 - (c) The minimum period of time in which such improvements or repairs must be made.
 - ii. If the Director requires an analysis of the information submitted by the general contractor, the Director may procure services of another licensed general contractor, at the Applicant's sole cost and expense, to provide such written analysis, before consideration of the request for exemption of the Applicant's obligation to provide Relocation Assistance Benefits.
 - iii. A statement verified by a certified public accountant as to the necessary increase in rental rates of Mobile Home Spaces within the Mobile Home Park within the next five years necessary to pay for such improvements and repairs that are not the result of the Mobile Home Park Owner's or Applicant's negligent failure to properly maintain the Mobile Home Park property.
 - iv. An estimate, provided by a qualified real estate appraiser of the value of the Mobile Home Park property if the Change of Use of the Mobile Home Park was approved for development consistent with the Relocation Impact Report application and the value of the property if the use was continued as a Mobile Home Park.
 - v. Such other information which the Applicant believes to be pertinent or which may be required by the Director.

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15.13.055 - Fees and Costs

The Applicant shall be responsible for all expenses incurred by the City in connection with the submittal, review and processing of the Relocation Impact Report application, including all costs relating to the retention of consultants to review and verify the information contained in the Relocation Impact Report. Applicant shall also be responsible for all costs in implementing, monitoring and enforcing the provisions of this Chapter. Such fees and costs shall be set forth in a fee schedule established by resolution of the City Council.

SECTION 2. Pursuant to Section 619 of the City Charter, this Ordinance shall take effect thirty (30) days after the date of its adoption. Pursuant to Sections 616 and 621 of the City Charter, prior to the expiration of fifteen (15) days after the adoption, the City Clerk shall cause this Ordinance, or a summary thereof, to be published in the Culver City News and shall post this Ordinance or a summary thereof in at least three places within the City.

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APPROVED AND ADOPTED this _____ day of _____, 2012.

APPROVED AS TO FORM:

CAROL A. SCHWAB, City Attorney


CAROL A. SCHWAB, City Attorney

RESOLUTION NO. 2012-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA. ESTABLISHING FEES FOR PROCESSING A RELOCATION IMPACT REPORT APPLICATION IN ACCORDANCE WITH CHAPTER 15.13 OF THE CULVER CITY MUNICIPAL CODE.

WHEREAS, pursuant to Section 15.13.055 of the Culver City Municipal Code, the City Council, by resolution, may establish various fees relating to the submittal, review and processing of a Relocation Impact Report application, including all costs relating to retention of consultants to review and verify the information contained in the Relocation Impact Report. Such costs shall also include the implementation, monitoring and enforcement of the provisions of Chapter 15.13 relating to Mobile Home Park Resident Protection; and

WHEREAS, on January 9, 2012, at a duly noticed public meeting, the City Council considered establishment of the above-described fees; and

WHEREAS, after giving the public an opportunity to be heard and considering all information before it, the City Council approved the adoption of said fees, attached hereto as Exhibit "A;" and

WHEREAS, the fees established herein are based upon the reasonable cost of providing the services and regulatory activity for administering Chapter 15.13;

NOW, THEREFORE, the City Council of the City of Culver City, California, DOES HEREBY RESOLVE as follows:

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2 The fees established in Exhibit "A," attached hereto, are hereby adopted and
3 shall be paid by the applicant in accordance with the provisions set forth in Chapter 15.13.

4 APPROVED and ADOPTED this _____ day of _____ 2012.
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7 MICHEAL O'LEARY, Mayor
8 City of Culver City, California

9 ATTEST:
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12 MARTIN R. COLE, City Clerk

13 A12-00032

14 APPROVED AS TO FORM:
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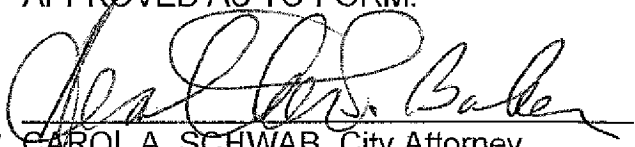
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18 CAROL A. SCHWAB, City Attorney
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EXHIBIT "A"

The following fees are established for the processing of a Relocation Impact Report in accordance with the provisions of Chapter 15.13 of the Culver City Municipal Code:

Relocation Impact Report

Application Fee:

\$5,000.00

Consultant Fee:

Cost of consultant, plus 25% City contract administration and work product review.

Public Notification Required by Chapter 15.13:

\$25 per 50 post cards/mailing

Other Fees:

In addition to the fees set forth above, the costs for any applicable Environmental Analysis will be required as set forth in the City's (Planning Division) Fee Schedule.