

ORDINANCE NO. 5725

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING CHAPTER 25 OF THE SONOMA COUNTY CODE (THE SUBDIVISION ORDINANCE) TO ESTABLISH PROCEDURES AND REQUIREMENTS FOR THE CONVERSION OF MOBILE HOME PARKS TO RESIDENT OWNERSHIP UNDER THE STATE SUBDIVISION MAP ACT

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

SECTION I. Purpose. The Board finds and declares that the adoption of this Ordinance is necessary and appropriate to implement certain policies and programs set forth within the adopted General Plan Housing Element, and to comply with state laws related to the conversion of mobile home parks to resident ownership. The Board further declares that the purposes of these provisions are as set forth below:

1. To implement state laws with regard to the conversion of mobile home parks to resident ownership;
2. To ensure that conversions of mobile home parks to resident ownership are bona fide resident conversions in accordance with state law;
3. To implement the goals and policies of the General Plan Housing Element;
4. To balance the need for increased homeownership opportunities with the need to protect existing rental housing opportunities;
5. To provide adequate disclosure to decision-makers and to prospective buyers prior to conversion of mobile home parks to resident ownership;
6. To ensure the public health and safety in converted parks; and,
7. To conserve the County's affordable housing stock.

SECTION II. Applicability. These provisions apply to all conversions of mobile home parks to resident ownership, except those conversions for which mapping requirements have been waived pursuant to Government Code 66428.1. These provisions do not apply to the conversion of a mobile home park to an alternate use, which conversions are regulated by Government Code Sections 65863.7 and 66427.4, and by Section 26-92-090 of Chapter 26 of the Sonoma County Code.

SECTION III. Chapter 25 of the Sonoma County Code is amended as follows:

- (a) Section 25-2 [Definitions] of Chapter 25 of the Sonoma County Code is amended to add the definition of “Mobile Home Park Conversion to Resident Ownership,” to read as follows:

“Mobile Home Park Conversion to Resident Ownership means the conversion of a mobile home park composed of rental spaces to a condominium or common interest development, as described in and/or regulated by Government Code Sections 66427.5 and/or 66428.1.”

- (b) Section 25-2 [Definitions] of Chapter 25 of the Sonoma County Code is amended to add the definition of "Mobile Home Park Closure, Conversion, or Change of Use " to read as follows:

“Mobile Home Park Closure, Conversion or Change of Use means changing the use of a mobile home park such that it no longer contains occupied mobile or manufactured homes, as described in and regulated by Government Code Section 66427.4.”

- (c) Section 25-02 [Definitions] of Chapter 25 of the Sonoma County Code is amended to modify the definition for “Subdivision,” to read as follows:

“Subdivision” means the division of any improved or unimproved land, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease, financing, conveyance, transfer or any other purpose, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way. Subdivision includes a condominium project or common interest development, as defined in Section 1351 of the Civil Code or a community apartment project, as defined in Section 11004 of the Business and Professions Code. Any conveyance of land to a governmental agency, public entity or public utility shall not be considered a division of land for purposes of computing the number of parcels.”

- (d) Chapter 25 of the Sonoma County Code (the Subdivision Ordinance) is amended to add a new Article IIIB, to read as follows:

“Article IIIB. Mobile Home Park Conversions to Resident Ownership.

25-39.7 (a) Applicability. The provisions of this Article IIIB shall apply to all conversions of mobile home parks to resident ownership except those conversions for which mapping requirements have been waived pursuant to Government Code §66428.1.

25-39.7 (b) Application Materials Required.

- (1) In addition to any other information required by this Code and/or other applicable law, the following information is required at the time of filing of an application for conversion of a mobile home park to resident ownership:
 - a) A survey of resident support conducted in compliance with subdivision (d) of Government Code Section 66427.5. The subdivider shall demonstrate that the survey was conducted in accordance with an agreement between the subdivider and an independent resident homeowners association, if any, was obtained pursuant to a written ballot, and was conducted so that each occupied mobile home space had one vote. The completed survey of resident support ballots shall be submitted with the application. In the event that more than one resident homeowners association purports to represent residents in the park, the agreement shall be with the resident homeowners association which represent the greatest number of resident homeowners in the park.
 - b) A report on the impact of the proposed conversion on residents of the mobile home park. The tenant impact report shall, at a minimum, include all of the following:
 - i) Identification of the number of mobile home spaces in the park and the rental rate history for each such space over the four years prior to the filing of the application.
 - ii) Identification of the anticipated method and timetable for compliance with Government Code Section 66427.5 (a), and, to the extent available, identification of the number of existing tenant households expected to purchase their units within the first four (4) years after conversion;
 - iii) Identification of the method and anticipated time table for determining the rents for non-purchasing residents pursuant to Government Code Section 66427.5 (f) (1), and, to the extent available, identification of the number of tenant households likely to be subject to these provisions;
 - iv) Identification of the method for determining and enforcing the controlled rents for non-purchasing households pursuant to Government Code Section 66427.5 (f) (2), and, to the extent available, identification of the number of tenant households likely to be subject to these provisions;

- v) Identification of the potential for non-purchasing residents to relocate their homes to other mobile home parks within Sonoma County, including the availability of sites and the estimated cost of home relocation;
 - vi) An engineer's report on the type, size, current condition, adequacy, and remaining useful life of common facilities located within the park, including but not limited to water systems, sanitary sewer, fire protection, storm water, streets, lighting, pools, playgrounds, community buildings and the like. A pest report shall be included for all common buildings and structures. "Engineer" means a registered civil or structural engineer, or a licensed general engineering contractor;
 - vii) If the useful life of any of the common facilities or infrastructure is less than thirty (30) years, a study estimating the cost of replacing such facilities over their useful life, and the subdivider's plan to provide funding for same;
 - viii) An estimate of the annual overhead and operating costs of maintaining the park, its common areas and landscaping, including replacement costs as necessary, over the next thirty (30) years, and the subdivider's plan to provide funding for same.
 - ix) Name and address of each resident, and household size.
 - x) An estimate of the number of residents in the park who are seniors or disabled. An explanation of how the estimate was derived must be included.
- c) A maintenance inspection report conducted on site by a qualified inspector within the previous twelve (12) calendar months demonstrating compliance with Title 25 of the California Code of Regulations ("Title 25 Report"). Proof of remediation of any Title 25 violations shall be confirmed in writing by the California Department of Housing and Community Development (HCD).

25-39.7 (c) Criteria for Approval of Conversion Application.

- (1) An application for the conversion of a mobile home park to resident ownership shall be approved only if the decision maker finds that:
 - a) A survey of resident support has been conducted and the results filed with the Department in accordance with the requirements of Government Code

Section 66427.5 and this Chapter;

- b) An tenant impact report has been completed and filed with the Department in accordance with the requirements of Government Code Section 66427.5 and this Chapter;
 - c) The conversion to resident ownership is consistent with the General Plan, any applicable Specific or Area Plan, and the provisions of Chapter 26 of the Sonoma County Code;
 - d) The conversion is a bona-fide resident conversion;
 - e) Appropriate provision has been made for the establishment and funding of an association or corporation adequate to ensure proper long-term management and maintenance of all common facilities and infrastructure; and
 - f) There are no conditions existing in the mobile home park that are detrimental to public health or safety, provided, however, that if any such conditions exist, the application for conversion may be approved if: (1) all of the findings required under subsections (a) through (e) are made and (2) the subdivider has instituted corrective measures adequate to ensure prompt and continuing protection of the health and safety of park residents and the general public.
- (2) For purposes of determining whether a proposed conversion is a bona-fide resident conversion, the following criteria shall be used:
- a) Where the survey of resident support conducted in accordance with Government Code Section 66427.5 and with this Chapter shows that more than 50% of resident households support the conversion to resident ownership, the conversion shall be presumed to be a bona-fide resident conversion.
 - b) Where the survey of resident support conducted in accordance with Government Code Section 66427.5 and with this Chapter shows that at least 20% but not more than 50% of residents support the conversion to resident ownership, the subdivider shall have the burden of demonstrating that the proposed conversion is a bona-fide resident conversion. In such cases, the subdivider shall demonstrate, at a minimum, that a viable plan, with a reasonable likelihood of success as determined by the decision-maker, is in place to convey the majority of the lots to current residents of the park within a reasonable period of time.
 - c) Where the survey of support conducted in accordance with Government Code Section 66427.5 and with this Chapter shows that less than 20% of

residents support the conversion to resident ownership, the conversion shall be presumed not to be a bona-fide resident conversion.

25-39.7 (d) Tenant Notification. The following tenant notifications are required:

- (1) Tenant Impact Report. The subdivider shall give each resident household a copy of the impact report required by Government Code Section 66427.5 (b) within fifteen days after completion of such report, but in no case less than fifteen (15) days prior to the public hearing on the application for conversion. The subdivider shall also provide a copy of the report to any new or prospective residents following the original distribution of the report.
- (2) Exclusive Right to Purchase. If the application for conversion is approved, the subdivider shall give each resident household written notice of its exclusive right to contract for the purchase of the dwelling unit or space it occupies at the same or more favorable terms and conditions than those on which such unit of space shall be initially offered to the general public. The right shall run for a period of not less than ninety (90) days from the issuance of the subdivision public report ("white paper") pursuant to California Business and Professions Code § 11018.2, unless the subdivider received prior written notice of the resident's intention not to exercise such right.
- (3) Right to Continue Residency as Tenant. If the application for conversion is approved, the subdivider shall give each resident household written notice of its right to continue residency as a tenant in the park as required by Government Code § 66427.5 (a)."

SECTION IV. Environmental Determination. This ordinance is hereby found to be categorically exempt from environmental review pursuant to CEQA Guidelines Section 15061(b) (3) in that the Board of Supervisors finds and determines that there is nothing in this ordinance or its implementation that could foreseeably have any significant effect on the environment, in that the adoption of this ordinance will not result in any physical change to the environment.

SECTION V. Severability. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason declared to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION VI. Effective Date. This ordinance shall be and the same is hereby

declared to be in full force and effect from and after 30 days after the date of its passage.

SECTION VII. Ordinance No. 5696 is hereby repealed.

SECTION VI. This ordinance, or a summary thereof, shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in The Press Democrat, a newspaper of general circulation in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, passed and adopted this 15th day of May, 2007, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

KERNS aye SMITH aye KELLEY aye REILLY aye BROWN aye

AYES 5 NOES 0 ABSTAIN 0 ABSENT 0

WHEREUPON, the Chair declared the above and foregoing ordinance duly adopted and

SO ORDERED.

Chair, Board of Supervisors
County of Sonoma

ATTEST:

Clerk of the Board of Supervisors