

Article 3: Supplemental Development Regulations

Division 6: Mobilehome Park Discontinuance and Tenant Relocation Regulations

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§143.0610 Purpose of Mobilehome Park Discontinuance and Tenant Relocation Regulations

The purpose of these regulations is to set forth procedures for the conversion of an existing *mobilehome park* or spaces to another use. These regulations are intended to benefit the general public by minimizing the adverse impact on the housing supply and on displaced persons by providing certain rights and benefits to tenants and by requiring tenant relocation assistance whenever an existing *mobilehome park* or portion thereof is converted to another use.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§143.0615 When Mobilehome Park Discontinuance and Tenant Relocation Regulations Apply

- (a) This division applies to all *mobilehome parks* except as provided in Section 143.0615(b).
 - (1) Subject to the *Mobilehome Park Overlay Zone*;
 - (2) Subject to a Conditional Use Permit;
 - (3) Entitled to be used as a *mobilehome park* based on *previously conforming* rights; or
 - (4) Subject to a permit issued under present regulations.
- (b) Notwithstanding any other provision in this section to the contrary, this division does not apply to the *mobilehome park* located in Mission Bay Park generally known as De Anza Mobilehome Park. It is the intention of the City to deal with any discontinuance and relocation issues involved with De Anza Mobilehome Park by separate ordinance or resolution because of the unique conditions applicable to the De Anza Mobilehome Park.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§143.0630 Discontinuance of a Mobilehome Park

- (a) Before the City issues any *development permit* or *construction permit* that would allow the use of any land that is currently used as a *mobilehome park* to be used for any other purpose, or to be converted from *mobilehome* spaces to any other uses, a *mobilehome park* owner, lessee, or operator shall file an application to discontinue the *mobilehome park* or *mobilehome* spaces use.
- (b) The application for discontinuance of a *mobilehome park* shall be processed as a Site Development Permit in accordance with Process Three which may only be granted if the decision maker makes the findings in Section 126.0504(k).
- (c) The application for discontinuance of a *mobilehome park* shall be accompanied by a relocation plan which shall be transmitted to the San Diego Housing Commission or any successor agency for action. The relocation plan shall provide for the relocation of the tenants who will be displaced by the discontinuance of the use of the property as a *mobilehome park* or by the conversion of *mobilehome* spaces to other uses. The relocation plan shall comply with standards and regulations for relocation plans developed by the San Diego Housing Commission.
- (d) The application for discontinuance of a *mobilehome park* shall not be approved until a relocation plan has been approved by the San Diego Housing Commission.
- (e) Except as provided in Section 143.0630(f), the owner, lessee, or operator of a *mobilehome park* shall submit the required applications no later than 30 calendar days after the date on which one of the following occurs:
 - (1) Fifteen percent of the *mobilehome* spaces within the *mobilehome park* cease to be occupied by *mobilehomes*;
 - (2) Fifteen percent of the *mobilehome* spaces within the *mobilehome park* cease to be used for residential purposes if those *mobilehomes* are owned by the *mobilehome park* owner, lessee, or operator;
 - (3) The total of vacant *mobilehome* spaces and *mobilehomes* described in Section 143.0630(e)(2) equals 15 percent;

- (4) A notice of determination that the *mobilehome park* is undergoing a change in use has been provided by the Executive Director of the San Diego Housing Commission.
- (f) Application for discontinuance of a *mobilehome park* is not required if the unoccupied *mobilehome* spaces or *mobilehomes* are offered for rent or lease to tenants or *mobilehome* owners and a *sign* offering the spaces or *mobilehomes* for rent or lease is installed at the principal entrance to the *mobilehome park* and is visible from the adjacent *public right-of-way*. The *sign* shall be maintained as long as 15 percent of the *mobilehome* spaces or *mobilehomes* in the *mobilehome park* remain unoccupied by *mobilehomes* or tenants. If the vacancy rate for *mobilehome* spaces or *mobilehomes* remains at or above 15 percent for 60 calendar days, the application for discontinuance of a *mobilehome park* shall be filed within 30 calendar days after the expiration of the 60-calendar-day period.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§143.0640 Sale of Mobilehome Parks

- (a) Any resident organization entitled to notice of a listing of a *mobilehome park* for sale, pursuant to Civil Code Section 798.80, shall have the right to purchase the park, except as provided in Section 143.0640(b), if the resident organization meets the price and the terms and conditions of a purchase offer acceptable to the *mobilehome park* owner.
 - (1) The resident organization shall have the right to purchase the park by executing a contract with the *mobilehome park* owner within 45 calendar days, unless agreed to otherwise, of the date on which a notice of an acceptable offer to purchase the park is delivered by first class mail or personal delivery to the president, secretary, and treasurer of the resident organization.
 - (2) If less than the entire *mobilehome park* is offered for sale or an acceptable offer to purchase less than the entire *mobilehome park* is received, the resident organization shall have the right to purchase a portion of the park for a period of 90 calendar days, unless agreed to otherwise, from the date that a notice of the receipt of an acceptable offer to purchase a portion of the park is mailed to the resident organization.
 - (3) If a contract between the *mobilehome park* owner and the resident organization is not executed within the specified period, the owner's

only obligation shall be as set forth in Section 143.0640(a)(4), unless the *mobilehome park* owner then elects to accept a counter offer to the noticed offer, at a price lower than the price specified in the notice to the resident organization.

- (4) If no contract is executed between the *mobilehome park* owner and the resident organization within the time periods specified in Section 143.0640(a)(1) and (2) and the *mobilehome park* owner then elects to accept an offer at a lower price or under different terms and conditions than the price or the terms and conditions as specified in the owner's notice to the resident organization, the resident organization will have an additional 15 calendar days to meet the price and the terms and conditions of the *mobilehome park* owner by executing a contract.
- (b) The regulations contained in Section 143.0640(a) do not apply to the following:
 - (1) Any sale or other transfer by a park owner who is a natural person to any relation specified in Probate Code Section 6402;
 - (2) Any transfer by gift, devise, or operation of law;
 - (3) Any transfer by a corporation to an *affiliate*. As used in this paragraph, *affiliate* means any shareholder of the transferring corporation, any corporation or entity owned or controlled, directly or indirectly, by the transferring corporation, or any other corporation or entity controlled, directly or indirectly, by any shareholder of the transferring corporation;
 - (4) Any transfer by a partnership to any of its partners;
 - (5) Any conveyance resulting from the judicial or nonjudicial foreclosure of a mortgage or deed of trust encumbering a *mobilehome park* or any deed given in lieu of such a foreclosure;
 - (6) Any sale or transfer between or among joint tenants or tenants-in-common owning a *mobilehome park*; or
 - (7) The purchase of a *mobilehome park* by a governmental entity under its powers of eminent domain.

- (c) A *mobilehome park* owner may, at any time, record with the County Recorder, an affidavit in which it is certified that the following circumstances exist:
- (1) The owner has complied with the provisions of this section;
 - (2) Not notwithstanding compliance with Section 143.0640(a), no contract has been executed of the sale of a *mobilehome park* between the owner and the resident organization; and
 - (3) The provisions of Section 143.0640(a) are inapplicable to a particular sale or transfer of such park by the owner based on the exemptions described in Section 143.0640(b).

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)