

**ORDINANCE NO. 2006-05**

***AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON, CALIFORNIA, ADDING SECTION 19.32.120 TO DIVISION 2, CHAPTER 19.32 OF TITLE 19 OF THE CITY OF AMERICAN CANYON MUNICIPAL CODE REGARDING RELOCATION ASSISTANCE TO TENANTS OF MOBILEHOME PARKS TO BE CONVERTED TO A DIFFERENT USE***

**WHEREAS**, there is a short supply of rental housing in the City of American Canyon ("City"); and,

**WHEREAS**, the current real estate market could make conversion of mobilehome parks to other uses extremely profitable; and,

**WHEREAS**, due to this extreme profitability, in the current real estate market of converting mobilehome parks to other uses, it is anticipated that applications to convert mobilehome parks to other uses will increase; and,

**WHEREAS**, the conversion of mobilehome parks to other uses will not increase and may actually reduce the short supply of rental housing currently available; and,

**WHEREAS**, pursuant to an agreement dated October 2003 (the "Agreement") with the County of Napa ("County"), the City agreed to accommodate a percentage of the County's affordable housing need (394 affordable housing units) to meet the Regional Housing Needs Determination ("RHND") set by the Association of Bay Area Government, ("ABAG") for the 1999-2009 housing cycle, in addition to the City's own Regional Housing Needs Assessment ("RHNA"); and,

**WHEREAS**, pursuant to the Agreement, the City amended the City General Plan Housing Element for affordable housing to properly reference the 394 RHNA; and,

**WHEREAS**, the City must demonstrate that the City General Plan Housing Element shows the availability of sufficient land zoned for affordable housing, along with preservation of existing affordable housing to obtain certification by the State Department of Housing and Community Development ("HCD") by September 15, 2006; and,

**WHEREAS**, as a result of the real estate market in California and in the City, it is anticipated that mobilehome park owners will, or could, seek to convert mobilehome parks, which help fulfill the City's affordable housing unit needs assessment, to other uses; and,

**WHEREAS**, the increase of conversion of mobilehome parks to other uses will decrease the City's ability to continuously meet its RHNA; and,

**WHEREAS**, an emergency exists as to the City's ability to continue to provide sufficient affordable housing opportunities; and,

**WHEREAS**, the enactment of the ordinance is necessary to mitigate the adverse impact of potential mobilehome park conversions to other uses; and,

**WHEREAS**, tenants who face eviction due to the conversion of mobilehome parks to other uses are or will experience serious difficulties in locating comparable replacement rental housing; and,

**WHEREAS**, the adverse impact to tenants of mobilehome park conversions is particularly acute for elderly tenants and those with physical limitations, particularly the handicapped and disabled, and for families with minor dependent children, who face greater relocation difficulties than families without such children; and,

**WHEREAS**, the City Council desires to mitigate the hardship caused to displacement of tenants, particularly those in low to moderate cost housing and those who are elderly, the handicapped, and the disabled, and families with minor dependent children; and,

**WHEREAS**, the City Council desires to protect the existing rental housing stock by reducing conversions; and,

**WHEREAS**, the City Council also desires to promote greater individual choice in type, quality, price and location of housing; and,

**WHEREAS**, the City Council desires to provide for the housing needs of all segments of the population; and,

**WHEREAS**, the City Council desires to provide increased home ownership opportunities for all segments of the population; and,

**WHEREAS**, the City Council desires to generally regulate projects in accordance with the General Plan and with the public health, safety and welfare.

**NOW, THEREFORE, BE IT ORDAINED:**

**Section 1:** Section 19.32.120 is hereby added to Division 2, Chapter 19.32 of Title 19 of the City of American Canyon Municipal Code to provide as follows:

**19.32.120.1 Statement of Purposes.** The provisions of this section are intended to update the provisions of Chapter 19.32 that provide relocation assistance to tenants of mobilehome parks facing eviction due to the owner's intent to convert the mobilehome park to another use.

**19.32.120.2 Definitions.** For the purposes of this section, the definitions in Section 19.32.20 of this Code, and in Article 1 of the California Mobilehome Residency Law (California Civil Code, Section 798, et seq.), and the following definitions shall apply:

1. **"Notice to Quit"** means in the case of a tenant, the Notice required by Section 798.55(b) of the California Civil Code. In the case of non-tenant resident, the notice required by an applicable provision of law.

2. **"Qualified Resident"** means any resident, as that term is used in California Civil Code Section 798.11, who satisfies any of the following criteria on the date said resident receives a Notice to Quit as defined above: has attained age 62; is handicapped as defined in Section 50072 of the California Health and Safety Code; is disabled as defined in Title 42 United States Code 423; or is a person residing with and on whom is legally dependent (as determined for federal income tax purposes) one or more minor children; or is a person whose income is within the low-income category as defined by the U.S. Department of Housing and Urban Development for its Section 8 program as confirmed by the State Department of Housing and Community Development in amendment to Section 6932 of Title 25 of the California Code of Regulations.

3. **"Tenant"** means a homeowner, as defined in California Civil Code Section 798.9.

4. **"Qualified Tenant"** means any tenant who satisfies any of the following criteria on the date said tenant receives a Notice to Quit as defined above: has attained age 62; is handicapped as defined in Section 50072 of the California Health and Safety Code; is disabled as defined in Title 42 United States Code 423; or is a person residing with and on

whom is legally dependent (as determined for federal income tax purposes) one or more minor children; or is a person whose income is within the low-income category as defined by the U.S. Department of Housing and Urban Development for its Section 8 housing program as confirmed by the State Department of Housing and Community Development in annual amendments to Section 6932 of Title 25 of the California Code of Regulations.

**19.32.120.3 Relocation Assistance Required.**

1. **General Rule.** The management of a mobilehome park shall provide relocation assistance in connection with the change of use, as defined in Civil Code Section 798.10, of the mobilehome park, or any portion thereof.

2. **Exception.** This section shall not apply where: (1) the change of use results from the City's refusal to extend a conditional use permit, or similar permit, upon good faith request of the management for such extension; (2) where the California Department of Housing and Community Development suspends or revokes a permit pursuant to Health and Safety Code Section 18510; or (3) where the tenant or resident, received actual written notice from management prior to entering into oral or written agreement to become a resident or tenant that an application to convert the mobilehome park to another use was on file with the City or had already been approved.

**19.32.120.4 Manner of Providing Relocation Assistance.** Relocation assistance, where required by the preceding subsection, shall be provided in accordance with the following provisions.

1. **Management's Responsibility.**

a. Management shall:

(1) Make available to each resident, at no cost, a reasonably complete and current list of vacant and available mobilehome park spaces or mobilehomes within the City and Napa County; and,

(2) Make a reasonable and good faith effort to assure that residents without cars are driven, at

no cost, and residents with cars are assisted, in order to inspect replacement spaces or homes; and,

(3) Hire an ambulance or similar vehicle, at no cost to the resident, and otherwise take reasonable steps to assist any disabled or handicapped tenants with relocation-related activities; and,

(4) Pay a relocation fee in order to assist the recipient in meeting costs of relocation, higher rents for replacement mobilehome park spaces or mobilehomes, and related expenses. For the fiscal year beginning July 1, 2006 and all subsequent fiscal years, the fee amounts shall be automatically increased by the cost of living increase as determined by the United States Labor Department for the San Francisco/Oakland/Bay Area on an annual basis. The adjusted amount shall be rounded to the nearest fifty dollar increment.

This payment shall be made as follows:

(a) In the case of a tenant residing in the mobilehome subject to the tenancy agreement who has not located a comparable replacement mobilehome park space by the time the fee is due under this section, a fee of \$8,000 to qualified tenants and \$3,200 to all other tenants;

(b) In the case of a tenant residing in the mobilehome subject to the tenancy agreement who has located a comparable replacement mobilehome park space by the time the fee is due under this section, a fee of \$3,200;

(c) In the case of a tenant who does not reside in the mobilehome subject to the tenancy agreement, and who has not located a comparable replacement mobilehome park space by the time the fee

is due under this section, a fee of \$4,800 to qualified tenants and \$3,200 to all other tenants;

(d) In the case of a tenant who does not reside in the mobilehome subject to the tenancy agreement and who has located a comparable replacement mobilehome park space by the time the fee is due under this section, a fee of \$3,200;

(e) In the case of a resident who is not also a tenant, a fee of \$3,200;

(f) The entire fee shall be paid to a person who is the only tenant or resident in a mobilehome. If a mobilehome is occupied by two or more persons, any one of whom is "qualified," then each person shall be paid a pro-rata share of the fee due. If a mobilehome is occupied by two or more persons, none of whom is "qualified," then each person shall be paid a pro-rata share of the fee due;

b. In lieu of the assistance provided for in Paragraph "a" above, management may elect to relocate any tenant or resident into a comparable replacement mobilehome park space or mobilehome, satisfactory to the tenant or resident and pay all actual costs of relocation. A tenant or resident may not unreasonably withhold approval of a replacement mobilehome park space or mobilehome.

## 2. **When Assistance is to be Provided.**

a. **General Rule.** Where the Notice to Quit is served after the effective date of this ordinance, the relocation assistance specified above shall be provided at the following times:

(1) The assistance specified in Subparagraphs (1) and (4) of Paragraph a of Subdivision 1 above shall be made available on or before service of the Notice to Quit.

(2) The assistance specified in Subparagraphs (2) and (3) of Paragraph a of Subdivision 1 above shall be made for at least a 60-day period prior to the period specified in the Notice to Quit.

(3) The assistance specified in Paragraph b of Subdivision 1 shall be made available on or before service of the Notice to Quit.

b. **Special Transition Rule.** Where the Notice to Quit was served on or before the effective date of this ordinance, the relocation assistance specified above shall be provided at the following times:

(1) The assistance specified in Subparagraphs (1) and (4) of Paragraph a of Subdivision 1 above shall be made available either before the effective date of this ordinance or within 30 days thereafter.

(2) The assistance specified in Subparagraphs (2) and (3) of Paragraph a of Subdivision 1 above shall be made available for at least a 30 day period commencing on or before the effective date of this ordinance.

(3) The assistance specified in Paragraph b of Subdivision 1 above shall be made available at any time prior to the first day of trial of any action by the management to recover possession of the mobilehome space or mobilehome.

**19.32.120.5 Affirmative Defense.** In an action by management to recover possession of a space occupied by a mobilehome or to recover possession of a mobilehome, the defendant may raise as an affirmative defense the failure of management to provide relocation assistance as required by this section.

**19.32.120.6 Applicability.** This section shall apply to judicial proceedings to recover possession of a space occupied by a mobilehome or to recover possession of a mobilehome, commenced on or after the effective date of this ordinance.

**19.32.120.7 Notification to City.**

1. The management shall serve, by personal service or by United States Mail, written notice on the City Planning Director of the proposed termination of mobilehome park use, accompanied by such information and in a form designated for such purpose by the City Planning Director. Upon publication of this subsection in the newspaper, the City Planning Director shall forthwith notify the management of all mobilehome parks within the City limits of the requirements of this subsection.

a. Where the Notice to Quit is served on or after the effective date of this subsection, the notice to the City Planning Director shall be served on or before the 30th day prior to the expiration of one period stated in the Notice to Quit.

b. Where the Notice to Quit is served prior to the effective date of this subsection, the notice to the City Planning Director shall be served on or before the 10th day prior to the expiration of the period stated in the Notice to Quit.

2. The notice referred to in Subdivision 1 above shall be accompanied by a statement that the management has provided all relocation assistance required by law, accompanied with proof of such assistance in the form of notarized signed acknowledgments from the recipients thereof or a notarized sign waiver of assistance.

3. If management fails to substantially comply with this Subsection 19.32.120.7, as determined by the City Planning Director, the City Planning Director shall forthwith notify all other appropriate City departments and officials of such noncompliance. These departments and officials shall not issue, grant or approve any application or request for any permit, license or other entitlement of use (including but not limited to a building permit, conditional use permit, zone change, variance, certificate of occupancy, tract or parcel map) for any change of use.

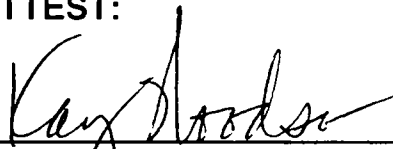


The foregoing Ordinance was introduced, read, passed and adopted at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 7th day of September, 2006, by the following vote:


**AYES:** Shaver, Garcia, Anderson, Bennett, Coffey  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

  
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Cecil Shaver, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Kay Woodson, City Clerk

**APPROVED AS TO FORM:**

  
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William D. Ross, City Attorney