



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

NEW DISCUSSION: October 28, 2008

SUBJECT: Relocation Impact Report No. 3036-07

APPLICANT: Shadrow and Shadrow
 Attention: Vicky Cook
 334 E. Gardena Boulevard
 Gardena, CA 90248

OWNER: Same as applicant

REQUEST: Workshop on Proposed Relocation Impact Report
 No. 3036-07 for the closure of a Mobilehome Park
 (Bel Abbey) with 49 units and 50 spaces located in
 the ML (Manufacturing Light) zone

PROPERTY INVOLVED: 200 E. Gardena Boulevard

COMMISSION ACTION

Concurred with staff

Did not concur with staff

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Faletogo			Saenz
		Cannon			Verrett
		Graber			

I. Introduction

Date Application Received

- August 20, 2008: Relocation Impact Report No. 3036-07.

Applicant

- Shadrow and Shadrow, 334 E. Gardena Boulevard, Gardena, CA 90248

Property Owner

- Same as applicant

Project Address

- 200 E. Gardena Boulevard, Carson CA

Project Description

- Proposed Relocation Impact Report for the closure of the Bel Abbey Mobilehome Park with 49 units and 50 spaces. Forty-nine occupied units will be displaced as a result of the park closure (five mobilehomes are renter occupied and 44 are homeowner occupied).

II. Background

Pursuant to Carson Municipal Code Section 9128.21 a Relocation Impact Report (RIR) shall be approved prior to any closure of a mobile home park. The Planning Commission must approve the RIR before any written notice is provided for the change of use of a mobile home park as required by Section 798.56 of the California Civil Code. The Relocation Impact Report shall contain:

1. A description of the proposed new use.
2. A timetable for the conversion of the park.
3. A legal description of the park.
4. The number of spaces in the park, length of occupancy by the current occupant of each space and current rental rate for each mobilehome.
5. The date of manufacture and size of each mobilehome.
6. The appraised on-site value and off-site value of each mobilehome in the park.
7. The total number of mobilehome residents, broken down space by space, to identify owner or renter occupancy, principal or second home occupancy, residents under sixteen (16) years of age or over, and the number of residents who are handicapped and/or disabled.



8. The name and mailing address of each mobilehome resident and each nonresident mobilehome owner.
9. A list of known available spaces in the South Bay-Long Beach area of Los Angeles County, the Orange County area and other areas of Los Angeles County within a fifty (50) mile radius from the park, including any written commitments from mobilehome parks and trailer park owners willing to accept displaced residents, the comparability of such parks and the rental rates for such spaces.
10. Estimates from two (2) moving companies as to the minimum and per mile cost of moving mobilehomes of various sizes, including teardown and setup of mobilehomes and moving of improvements such as porches, carports, patios and other moveable amenities installed by the residents.
11. Proposed measures to mitigate the adverse impacts of the conversion upon the park residents.

There have been a number of mobile home park closures within the city. Generally, park closures are associated with privately motivated interests to facilitate proposed new develop. Park closures can also be associated with the termination date of a legal, nonconforming mobile home park. There are three mobile home parks that became legal, nonconforming due to their location within an industrial zone. One park, Mack's Trailer Lodge, has processed a RIR and closed. A RIR has been submitted for the Bel Abbey Mobile Home Park. The other legal, nonconforming mobile home park is located at 425 E. Gardena Boulevard and is anticipated to submit a RIR by 2011. Each RIR is different and must be considered based individual circumstances.

The purpose of this workshop is to provide background information to the Planning Commission regarding the city and state regulations governing mobile home park closures. Staff and the City Attorney will describe past RIR applications and general standards that must be considered for the Planning Commission to make determinations on the adequacy of a RIR application. Information will be provided regarding the need to adequately determine property owner obligations associated with the reasonable costs of relocation. The following information summarizes the RIR filed for the Bel Abbey Mobile Home Park (Park). A public hearing on RIR No. 3036-07 is scheduled for November 25, 2008.

The Bel Abbey Mobile Home Park has been operating since 1950. In 1960, the property was rezoned to manufacturing and light industrial, which prohibits mobilehome parks. The Park continued to operate as a legal nonconforming use



until August 30, 1987. On April 28, 1987, the Carson Planning Commission determined that "the termination day of August 30, 1987, had resulted in insufficient time for each mobilehome tenant to realize a reasonable rate of return on their fixed investment, and allowed more time to complete the RIR as required by CMC Section 9128.21. Additionally, the Planning Commission granted one final 20 year extension of the Park's legal nonconforming status to allow the residents to amortize their investments. The legal nonconforming status expired on August 30, 2007. The mobilehome park use of the property must now cease. On September 17, 2007, the Park owner was reminded that the park's legal nonconforming status expired and directed the owner to submit the required RIR.

Overland, Pacific & Cutler, Inc. ("OPC"), an experienced acquisition and relocation consultant was selected to prepare this RIR (the "Plan"), and provide relocation assistance. In compliance with statutory requirements, the Plan has been prepared to evaluate the present circumstances and replacement housing requirements of the current Park residents.

Proposed Mitigation

As explained below, the Owner will pay the cost to move a mobilehome owner's trailer/mobilehome, personal property, legally constructed rooms, awnings, steps, skirting and other items, and all costs associated with the connection of the trailer/mobilehome to utilities and, if the relocation takes one or more days, pay the cost of lodging the owner in a local motel until the relocation of his or her unit is complete.

The Owner proposes the following to provide the following relocation assistance:

- A. For those owner occupied trailers or mobilehomes that can be moved and the owner wishes to move such trailer/mobilehome and finds a park within 50 miles that has a space available that will accept the trailer/mobilehome, the Owner shall pay the actual moving cost to professional mover approved by the City pursuant to Carson Municipal Code Section .9128.21 (C)(10) In addition, the Owner shall compensate the owner/occupant for actual costs of lodging (not to exceed 7 days at \$100 per day) while moving their home to another park, and for the first and last month's rent in a comparable park;

Or



- B. For mobilehomes that cannot be moved, all mobilehome owner/occupants who have resided in their mobilehomes in the Park continually since prior to the date the RIR was filed with the City, shall be provided compensation equal to the appraised off-site value of the mobilehome as reflected in Exhibit A and a lump sum of \$1,800 for a one bedroom mobilehome, \$2,200 for a two bedroom mobilehome, and \$2,600 for a three bedroom mobilehome as rental assistance in the form of first and last month's rent for subsequent housing;

And

- C. In addition, each mobilehome owner/occupant will be compensated for the moving of their personal belongings with a benefit not-to-exceed \$1,500. An extra \$1,000 will be provided to those households that are elderly (62 years of age or older) and/or disabled. For purposes of this Report, the term "disabled" shall have the same meaning as "Disabled Person" in Vehicle Code section 295.5.

While the Owner has no obligation under law to mitigate relocation costs for tenant-occupied households, the Owner does believe that consideration should be given to these families as well. In that regard, the Owner will provide the following:

- A. Each tenant household will be compensated for the moving of their personal belongings with a benefit not-to-exceed \$1,500. An extra \$1,000 will be provided to those households that contain one or more elderly (62 years of age or older) and/or disabled. As previously noted, the term "disabled" shall have the same meaning as "Disabled Person" in Vehicle Code section 295.5.

Throughout the entire relocation process, OPC will be available to assist owners and renters with their relocation assistance needs including the following:

- A. Searching for replacement sites within and outside the City of Carson;
- B. Claiming relocation funds from the Owner;
- C. Other individual assistance that may be required on a case by case basis.

If necessary, a Project site office will be staffed by OPC personnel throughout the process to assist the residents. Days and times that the office will be open will be provided to Park residents.

Relocation Specialist Assistance

In addition to the ongoing replacement site searching as state above, the relocation consultants will be available to assist residents with the preparation and filing of claims and the processing and delivery of payments. The procedures for claiming benefits will be as follows:

- A. Claimants will provide all necessary documentation to substantiate eligibility for assistance;
- B. Assistance amounts will be determined;
- C. Relocation consultant shall assist claimants with the preparation of written claims. Completed claims and supporting documentation will be submitted by relocation personnel to the Owner;
- D. The Owner will review and approve claims for payment or will request additional information as needed;
- E. The Owner will issue benefit checks which will be available at the relocation consultant's office for pick-up, unless circumstances dictate otherwise;
- F. Final payments will be issued after confirmation that the Project site premises have been completely vacated;
- G. Receipts of payment will be obtained and maintained in the relocation case file.

The Planning Commission will conduct a public hearing on November 25, 2008. A copy of RIR No. 3036-07 is submitted during this workshop as a means of providing ample time to review city and state regulations and the proposed relocation benefits. Upon approval of the RIR, all Park tenants not in default will receive a minimum of six month's notice to vacate.

III. Exhibits

- 1. Relocation Impact Report/Bel Abbey Mobilehome Park (Under Separate Cover)
- 2. Carson Municipal Code Section 9128.21
- 3. California Civil Code Section 798.55 – 798.61

Prepared by: _____

Zak Gonzalez II, Planner

Approved by: _____

Sheri Repp, Planning Manager



§ 9128.21 Relocation Impact Report (RIR).

For the purpose of this Section, any closure of a mobile home park or trailer park or any part thereof or any change of the park's status to a vacant use shall be deemed to be conversion of the park.

Prior to the conversion of a mobile home park or trailer park or any part thereof to any other use or to a vacant use, the person or entity (hereinafter "the applicant") proposing such conversion shall file an application with the City and obtain approval from the City of a relocation impact report (RIR) in accordance with the provisions contained in this Section.

For the purpose of this Section, the term "Mobile Home" shall mean a vehicle designed or used for human habitation and shall include camping trailers, motor homes, slide-in campers and travel trailers, when used as the occupant's primary place of residence as established by nine (9) months' continuous residency, and mobile homes as defined in the California Mobile Home Residency Law, Civil Code Section 798, et seq.

No sign stating that the mobile home park or trailer park is closing, may be closing or has been closed, and no sign concerning a proposed new use of the park, may be placed on or adjacent to a mobile home park or trailer park before the City has adopted a final resolution approving the RIR for the park and the applicant has executed and recorded a certificate of acceptance of the conditions of the resolution approving the RIR and given the required six (6) months' notice of termination of tenancy.

A. Time for Filing RIR. An RIR shall be filed by the applicant and approved by the Commission prior to the giving of the written notice of change in use of a mobile home park or trailer park or any portion thereof required by Section 798.56 of the California Civil Code. The RIR shall constitute an application for a permit requesting a change of use within the meaning of Section 798.56 of the California Civil Code.

If the applicant files a tentative tract or parcel map to a subdivision to be created upon the conversion of a mobile home park or a trailer park to another use prior to giving the written notice under Section 798.56 of the California Civil Code, then the RIR shall be filed concurrently with the filing of the map.

B. Application and Resident Questionnaire. The City may require that the applicant file an application on a form, provided by the City, concurrently with the filing of an RIR.

The City may also require that the applicant give to each affected mobile home owner a questionnaire, provided by the City, which includes, but is not limited to:

1. The purchase price and date of purchase of the mobile home by the resident. (Information may be provided at the option of the resident.)
2. The amount and terms of any remaining amount due on a mortgage on the mobile home.
3. The cost incurred by the resident in making any improvements, such as additions to or enlargement of the mobile home, patios, porches, carports, landscaping, and related amenities.
4. Any circumstances, including but not limited to job location, which would restrict the area in which the resident is able to relocate.

All questionnaires shall be given to each resident by the applicant at least forty (40) days prior to filing the proposed RIR with the City and shall be returned by each resident to the applicant within thirty (30) days. All completed questionnaires shall be submitted to the City by the applicant concurrently with the filing of an RIR.

Said questionnaires shall be kept separate from the RIR and will not be included in the RIR sent to each resident. The identity of a resident and his or her individual responses shall be confidential and shall not be divulged except as necessary to determine the relocation assistance to be received by that particular resident or to settle disputes concerning the



relocation assistance approved by the City. The City may also require information, such as that in the questionnaire, directly from the resident.

C. Content of RIR. The RIR shall contain the following:

1. A description of the proposed new use.
 2. A timetable for conversion of the park.
 3. A legal description of the park.
 4. The number of spaces in the park, length of occupancy by the current occupant of each space, and current rental rate for each space.
 5. The date of manufacture and size of each mobile home.
 6. The appraised on-site value and off-site value of each of the mobile homes in the park. The appraiser is to be selected by the City and the cost is to be borne by the applicant.
 7. The total number of mobile home residents, broken down space by space, to identify owner or renter occupancy, principal or second home occupancy, resident under sixteen (16) years of age, residents sixty-two (62) years of age or over, and the number of residents who are handicapped and/or disabled.
 8. The name and mailing address of each mobile home resident and each nonresident mobile home owner.
 9. A list of known available spaces in the South Bay-Long Beach area of Los Angeles County, the Orange County area and other areas of Los Angeles County within a fifty (50) mile radius from the park, including any written commitments from mobile home parks and trailer park owners willing to accept displaced residents, the comparability of such parks and the rental rates for such spaces.
 - a. If comparable spaces are not available for the mobile homes of the residents within the above described areas, the RIR shall contain information on the location and rental rates of available spaces in other areas, if any, within a reasonable distance from the mobile home park, the purchase price of comparable mobile homes in place in a comparable park within a reasonable distance, the purchase and installation cost of a new mobile home if spaces are available for new mobile homes in a comparable park within a reasonable distance, the rental rates in such parks.
 - b. If comparable spaces are not available within a reasonable distance, the purchase price of condominiums similar in size to the mobile homes within a reasonable distance, and the rental rates and moving costs involved in moving to an apartment or other rental unit within a reasonable distance.
 10. Estimates from two (2) moving companies as to the minimum and per mile cost of moving mobile homes of various sizes, including tear-down and setup of mobile homes and moving of improvements such as porches, carports, patios, and other moveable amenities installed by the residents. Said moving companies shall be approved by the Director of Community Development (hereinafter "Director") prior to inclusion with the RIR.
 11. Proposed measures to mitigate the adverse impacts of the conversion upon the park residents.
 12. The City may require that the applicant hire a Relocation Specialist to find alternate housing. The specialist shall be selected by the applicant, subject to the City's approval, and shall be paid for by the applicant.
 13. Information whether residents have been offered the option of a long-term lease of the land and purchase of the improvements if the park is to be sold.
- D. Hearing and Notice. Upon filing of an RIR, the Director shall examine the same and advise the applicant within thirty (30) days after receipt thereof whether it is complete. When a complete RIR has been filed it shall be accepted by the Director, and the Director shall set a time, date and place for review of the RIR by the Commission not later than forty-five (45) days after the date of acceptance. The Director shall mail a copy of the RIR to all residents of



the mobile home park or trailer park and any nonresident owners of mobile homes in the park and shall give notice by certified mail or personal delivery to the applicant, the residents, and any nonresident owners of mobile homes in the park of the date, time and place of the hearing at least thirty (30) days prior thereto. The RIR sent to each resident and nonresident mobile home owner shall not include the resident questionnaire, however it shall include the individual appraisal of that resident's mobile home. The notice shall also contain a general explanation of the matters to be considered by the Commission. The Director may give such additional notice as the Commission deems necessary or desirable. The hearing shall be conducted and the decision made in accordance with CMC 9173.23, 9173.31, 9173.32 and 9173.33.

E. Commission Findings and Decision. Upon review of the RIR and consideration of the written and oral evidence received at the hearing, the Commission shall, by resolution, render its decision within forty-five (45) days of the date first set for hearing. The Commission shall approve the RIR if it is able to make an affirmative finding that reasonable measures have been provided in an effort to mitigate the adverse impact of the conversion on the ability of the park residents to be displaced to find alternative housing. If the Commission does not make this finding and is unable to impose reasonable measures to mitigate the adverse impact, the Commission may disapprove the RIR. No other permit or approval shall be granted in furtherance of the proposed conversion and no change of use shall occur until and unless an RIR has been approved.

In approving an RIR, the Commission may impose reasonable measures not exceeding the reasonable costs of relocation to mitigate adverse impacts created by the conversion, which may include, but not be limited to, any of the following:

1. Provision for payment of the cost of physically moving the mobile home to a new site, including tear-down and setup of mobile homes, including, but not limited to, movable improvements such as patios, carports and porches.

2. Payment of a lump sum to compensate for payment of the first and last month's rent and any security deposit at the new mobile home park.

3. Payment of a lump sum to compensate for any differential between rental rates at the closing mobile home park and the new mobile home park during the first year of the new tenancy.

4. For those mobile home residents who move to apartments or other rental housing alternatives, provision for the first and last month's rent, plus security deposit, cleaning fees, not to exceed the Fair Market Rents for new construction and substantial rehabilitation for the Los Angeles area as established by the U.S. Department of Housing and Urban Development. Mobile home households may be compensated based on the number of bedrooms in the mobile home so that a one (1) bedroom mobile home may be compensated based on a one (1) bedroom apartment, a two (2) bedroom mobile home based on a two (2) room apartment, etc.

5. For those mobile home residents who move to apartments or other rental housing alternatives, a lump sum payment to compensate for any differential between rental rates at the closing mobile home park and the rental housing alternative during the first year of tenancy. Mobile home households may be compensated based on the Fair Market Rents for new construction and substantial rehabilitation for the Los Angeles area as established by the U.S. Department of Housing and Urban Development. Mobile home households may be compensated based on the number of bedrooms in the mobile home so that a one (1) bedroom mobile home may be compensated based on a one (1) bedroom apartment, a two (2) bedroom mobile home based on a two (2) bedroom apartment, etc.

6. Provision of a replacement space within a reasonable distance of the mobile home park or trailer park.

7. A requirement that a resident whose mobile home cannot be relocated within a reasonable distance to a comparable park be compensated by a lump sum payment based upon consideration of the fair market value of the mobile home on-site, including resident improvements (i.e., landscaping, porches, carports, etc.), any mortgage obligations of the resident on the mobile home, and the costs of purchasing a mobile home on-site in a comparable park or acquiring other comparable replacement housing.

8. A provision for setting aside a certain number of units for the residents of the park if the park is to be converted to another residential use.

The total of the mitigation measures required shall be subject to and shall not exceed the limitation in Government Code Section 65863.7 which provides: the steps required to be taken to mitigate shall not exceed the reasonable costs of relocation.

F. Effective Date of Commission – Decision and Appeal. The decision of the Planning Commission shall become effective and final fifteen (15) days after the date of its decision unless an appeal is filed in accordance with CMC 9173.4. An appeal shall be considered by the Council as provided in CMC 9173.4 except that the Director shall advise the appellant within fifteen (15) days after receipt thereof whether it is complete, shall set a date for the appeal hearing not later than thirty (30) days after it is accepted as complete, shall give fifteen (15) days' notice of the hearing to all affected parties in the manner required by subsection D of this Section and the Council shall, by resolution, render its findings and decision thereon within forty-five (45) days after the date first set for hearing on the appeal.

G. Subsequent Modification of Mitigation Measures.

1. After an RIR has been approved and after the applicant has executed and recorded a certificate of acceptance of the conditions of the RIR, modification of the mitigation measures imposed, including additions and deletions, may be considered upon the filing of a written application by the applicant, or the applicant's authorized representative. Modification may be granted on the grounds that there has been a change in circumstances or new information, which could not reasonably have been known or considered at the time of the hearings on the RIR, has become available. Examples of such new information or changed circumstances include, but are not limited to, revised plans by the applicant and a change in the availability of relocation spaces. Modification shall not be granted when it would unreasonably prejudice the ability of the residents to relocate to comparable housing.

2. Any application for modification shall be subject to the notice and hearing procedures set forth in subsection D of this Section. The decision and any appeal in connection with a modification request shall take place as with the initial approval.

H. Performance of Mitigation Measures. The applicant shall execute and record a certificate accepting the mitigation measures imposed on the approval of an RIR within thirty (30) days of the final resolution approving the RIR and imposing the mitigation measures and shall give the six (6) month notice of the termination of tenancy and closure of the park within forty-five (45) days of the adoption of that resolution. A resolution approving an RIR shall automatically become null and void if the certificate accepting the conditions is not filed and executed and the notice of termination not given within forty-five (45) days of the date of the final resolution approving the RIR. All mitigation measures imposed in the approval of an RIR shall be fully performed as to each resident prior to that resident's required vacation of the mobile home park or trailer park, unless otherwise provided in the mitigation measure. No resident shall be required to vacate a mobile home/trailer space unless the applicant is in full compliance with all mitigation measures imposed pertaining to such resident, and has otherwise fulfilled the notice requirements of the California Mobile Home Residency Law relating to "Termination of Tenancy" and the notice required in CMC 4700 through 4709.

I. Expiration, Extension and Revocation of RIR.

1. Expiration. An RIR shall become automatically null and void if the conversion of the mobile home park has not occurred within twelve (12) months of its effective date unless extended as provided in subsection (I)(2) of this Section or unless otherwise provided in the RIR or the resolution of approval of the RIR.

2. Extension. Upon application by the applicant filed with the Director on or before the date of expiration of the RIR, an RIR may be extended by the Commission, or the Council on appeal, if the Commission finds that the termination of the RIR would constitute an undue hardship to the applicant and that the continuation of the RIR would not be detrimental or have any further adverse impact on the residents in the park. An application for an extension shall be subject to the hearing and notice procedures set forth in subsection D of this Section. In approving an extension, the Commission may subject the RIR to any additional mitigation measures deemed necessary to mitigate any adverse impacts resulting from the extension. Multiple extensions may be granted, but no one (1) extension shall be issued for more than twelve (12) months.

3. Revocation. Proceedings for the revocation of an RIR may be initiated by the Council, the Commission or the Director. Upon initiation of a revocation, the Commission shall conduct a hearing with notice given in the same manner set forth in subsection D of this Section, except that notice to the applicant shall be by certified mail or personal service. After the hearing, the Commission may, by resolution, revoke the RIR if any of the following findings are made:

a. Approval was obtained by fraud, deceit or misrepresentation.

b. The applicant is not or has not been in compliance with the mitigation measures contained in the RIR or with the provisions of this Section.

c. A revocation shall be effective fifteen (15) days after the date of the action by the Commission unless an appeal is filed in accordance with CMC 9173.4. An appeal shall be considered by the Council as provided in CMC 9173.4.

d. Upon revocation, the applicant shall not be entitled to convert or change the use of the park until such time as a new RIR is filed and accepted as complete by the Director, a new written notice of change of use is given to park residents and a new RIR is approved by the Commission.

J. Time Limits. The time limits set forth in subsections A through I of this Section may be extended with the applicant's consent and waiver of the applicable time limits in writing or orally on the record during a public hearing.

K. Severability. If any section, subsection, sentence, clause, phrase or portion of subsections A through I of this Section is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions. The City Council hereby declares that it would have adopted said sections and each subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one (1) or more of said sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

Effect on Pending Applications. Any completed RIR application pending upon the effective date of this Section shall continue to be processed and the applicant shall have thirty (30) days in which to provide any further information required by this Section. (Ord. 82-589U, § 1; Ord. 82-618, § 2; Ord. 89-882, §§ 1 – 12; Ord. 92-965, §§ 1 – 9; Ord. 92-966, § 6)



CALIFORNIA CODES
CIVIL CODE
SECTION 798.55-798.61

798.55. (a) The Legislature finds and declares that, because of the high cost of moving mobilehomes, the potential for damage resulting therefrom, the requirements relating to the installation of mobilehomes, and the cost of landscaping or lot preparation, it is necessary that the owners of mobilehomes occupied within mobilehome parks be provided with the unique protection from actual or constructive eviction afforded by the provisions of this chapter.

(b) (1) The management may not terminate or refuse to renew a tenancy, except for a reason specified in this article and upon the giving of written notice to the homeowner, in the manner prescribed by **Section 1162** of the **Code of Civil Procedure**, to sell or remove, at the homeowner's election, the mobilehome from the park within a period of not less than 60 days, which period shall be specified in the notice. A copy of this notice shall be sent to the legal owner, as defined in **Section 18005.8** of the **Health and Safety Code**, each junior lienholder, as defined in **Section 18005.3** of the **Health and Safety Code**, and the registered owner of the mobilehome, if other than the homeowner, by United States mail within 10 days after notice to the homeowner. The copy may be sent by regular mail or by certified or registered mail with return receipt requested, at the option of the management.

(2) The homeowner shall pay past due rent and utilities upon the sale of a mobilehome pursuant to paragraph (1).

(c) If the homeowner has not paid the rent due within three days after notice to the homeowner, and if the first notice was not sent by certified or registered mail with return receipt requested, a copy of the notice shall again be sent to the legal owner, each junior lienholder, and the registered owner, if other than the homeowner, by certified or registered mail with return receipt requested within 10 days after notice to the homeowner. Copies of the notice shall be addressed to the legal owner, each junior lienholder, and the registered owner at their addresses, as set forth in the registration card specified in **Section 18091.5** of the **Health and Safety Code**.

(d) If management obtains a court judgment against a homeowner or resident, the cost incurred by management in obtaining a title search for the purpose of complying with the notice requirements of this **section** shall be recoverable as a cost of suit.

(e) The resident of a mobilehome that remains in the mobilehome park after service of the notice to sell or remove the mobilehome shall continue to be subject to this chapter and the rules and regulations of the park, including rules regarding maintenance of the space.

(f) No lawful act by the management to enforce this chapter or the rules and regulations of the park may be deemed or construed to waive or otherwise affect the notice to remove the mobilehome.

798.56. A tenancy shall be terminated by the management only for one or more of the following reasons:

(a) Failure of the homeowner or resident to comply with a local ordinance or state law or regulation relating to mobilehomes within a reasonable time after the homeowner receives a notice of

Exhibit 3



noncompliance from the appropriate governmental agency.

(b) Conduct by the homeowner or resident, upon the park premises, that constitutes a substantial annoyance to other homeowners or residents.

(c) (1) Conviction of the homeowner or resident for prostitution, for a violation of subdivision (d) of **Section 243**, paragraph (2) of subdivision (a), or subdivision (b), of **Section 245**, **Section 288**, or **Section 451**, of the **Penal Code**, or a felony controlled substance offense, if the act resulting in the conviction was committed anywhere on the premises of the mobilehome park, including, but not limited to, within the homeowner's mobilehome.

(2) However the tenancy may not be terminated for the reason specified in this subdivision if the person convicted of the offense has permanently vacated, and does not subsequently reoccupy, the mobilehome.

(d) Failure of the homeowner or resident to comply with a reasonable rule or regulation of the park that is part of the rental agreement or any amendment thereto.

No act or omission of the homeowner or resident shall constitute a failure to comply with a reasonable rule or regulation unless and until the management has given the homeowner written notice of the alleged rule or regulation violation and the homeowner or resident has failed to adhere to the rule or regulation within seven days. However, if a homeowner has been given a written notice of an alleged violation of the same rule or regulation on three or more occasions within a 12-month period after the homeowner or resident has violated that rule or regulation, no written notice shall be required for a subsequent violation of the same rule or regulation.

Nothing in this subdivision shall relieve the management from its obligation to demonstrate that a rule or regulation has in fact been violated.

(e) (1) Nonpayment of rent, utility charges, or reasonable incidental service charges; provided that the amount due has been unpaid for a period of at least five days from its due date, and provided that the homeowner shall be given a three-day written notice subsequent to that five-day period to pay the amount due or to vacate the tenancy. For purposes of this subdivision, the five-day period does not include the date the payment is due. The three-day written notice shall be given to the homeowner in the manner prescribed by **Section 1162** of the **Code of Civil Procedure**. A copy of this notice shall be sent to the persons or entities specified in subdivision (b) of **Section 798.55** within 10 days after notice is delivered to the homeowner. If the homeowner cures the default, the notice need not be sent. The notice may be given at the same time as the 60 days' notice required for termination of the tenancy. A three-day notice given pursuant to this subdivision shall contain the following provisions printed in at least 12-point boldface type at the top of the notice, with the appropriate number written in the blank:

"Warning: This notice is the (insert number) three-day notice for nonpayment of rent, utility charges, or other reasonable incidental services that has been served upon you in the last 12 months. Pursuant to **Civil Code Section 798.56** (e) (5), if you have been given a three-day notice to either pay rent, utility charges, or other reasonable incidental services or to vacate your tenancy on three or more occasions within a 12-month period, management is not required to give you a further three-day period to pay rent or vacate the tenancy before your tenancy can be terminated."

(2) Payment by the homeowner prior to the expiration of the



three-day notice period shall cure a default under this subdivision. If the homeowner does not pay prior to the expiration of the three-day notice period, the homeowner shall remain liable for all payments due up until the time the tenancy is vacated.

(3) Payment by the legal owner, as defined in **Section 18005.8** of the Health and Safety Code, any junior lienholder, as defined in **Section 18005.3** of the Health and Safety Code, or the registered owner, as defined in **Section 18009.5** of the Health and Safety Code, if other than the homeowner, on behalf of the homeowner prior to the expiration of 30 calendar days following the mailing of the notice to the legal owner, each junior lienholder, and the registered owner provided in subdivision (b) of **Section 798.55**, shall cure a default under this subdivision with respect to that payment.

(4) Cure of a default of rent, utility charges, or reasonable incidental service charges by the legal owner, any junior lienholder, or the registered owner, if other than the homeowner, as provided by this subdivision, may not be exercised more than twice during a 12-month period.

(5) If a homeowner has been given a three-day notice to pay the amount due or to vacate the tenancy on three or more occasions within the preceding 12-month period and each notice includes the provisions specified in paragraph (1), no written three-day notice shall be required in the case of a subsequent nonpayment of rent, utility charges, or reasonable incidental service charges.

In that event, the management shall give written notice to the homeowner in the manner prescribed by **Section 1162** of the Code of Civil Procedure to remove the mobilehome from the park within a period of not less than 60 days, which period shall be specified in the notice. A copy of this notice shall be sent to the legal owner, each junior lienholder, and the registered owner of the mobilehome, if other than the homeowner, as specified in paragraph (b) of **Section 798.55**, by certified or registered mail, return receipt requested, within 10 days after notice is sent to the homeowner.

(6) When a copy of the 60 days' notice described in paragraph (5) is sent to the legal owner, each junior lienholder, and the registered owner of the mobilehome, if other than the homeowner, the default may be cured by any of them on behalf of the homeowner prior to the expiration of 30 calendar days following the mailing of the notice, if all of the following conditions exist:

(A) A copy of a three-day notice sent pursuant to subdivision (b) of **Section 798.55** to a homeowner for the nonpayment of rent, utility charges, or reasonable incidental service charges was not sent to the legal owner, junior lienholder, or registered owner, of the mobilehome, if other than the homeowner, during the preceding 12-month period.

(B) The legal owner, junior lienholder, or registered owner of the mobilehome, if other than the homeowner, has not previously cured a default of the homeowner during the preceding 12-month period.

(C) The legal owner, junior lienholder or registered owner, if other than the homeowner, is not a financial institution or mobilehome dealer.

If the default is cured by the legal owner, junior lienholder, or registered owner within the 30-day period, the notice to remove the mobilehome from the park described in paragraph (5) shall be rescinded.

(f) Condemnation of the park.

(g) Change of use of the park or any portion thereof, provided:

(1) The management gives the homeowners at least 15 days' written notice that the management will be appearing before a local governmental board, commission, or body to request permits for a



change of use of the mobilehome park.

(2) After all required permits requesting a change of use have been approved by the local governmental board, commission, or body, the management shall give the homeowners six months' or more written notice of termination of tenancy.

If the change of use requires no local governmental permits, then notice shall be given 12 months or more prior to the management's determination that a change of use will occur. The management in the notice shall disclose and describe in detail the nature of the change of use.

(3) The management gives each proposed homeowner written notice thereof prior to the inception of his or her tenancy that the management is requesting a change of use before local governmental bodies or that a change of use request has been granted.

(4) The notice requirements for termination of tenancy set forth in Sections 798.56 and 798.57 shall be followed if the proposed change actually occurs.

(5) A notice of a proposed change of use given prior to January 1, 1980, that conforms to the requirements in effect at that time shall be valid. The requirements for a notice of a proposed change of use imposed by this subdivision shall be governed by the law in effect at the time the notice was given.

(h) The report required pursuant to subdivisions (b) and (i) of **Section 65863.7** of the **Government Code** shall be given to the homeowners or residents at the same time that notice is required pursuant to subdivision (g) of this **section**.

(i) For purposes of this **section**, "financial institution" means a state or national bank, state or federal savings and loan association or credit union, or similar organization, and mobilehome dealer as defined in **Section 18002.6** of the **Health and Safety Code** or any other organization that, as part of its usual course of business, originates, owns, or provides loan servicing for loans secured by a mobilehome.

798.56a. (a) Within 60 days after receipt of, or no later than 65 days after the mailing of, the notice of termination of tenancy pursuant to any reason provided in **Section 798.56**, the legal owner, if any, and each junior lienholder, if any, shall notify the management in writing of at least one of the following:

(1) Its offer to sell the obligation secured by the mobilehome to the management for the amount specified in its written offer. In that event, the management shall have 15 days following receipt of the offer to accept or reject the offer in writing. If the offer is rejected, the person or entity that made the offer shall have 10 days in which to exercise one of the other options contained in this **section** and shall notify management in writing of its choice.

(2) Its intention to foreclose on its security interest in the mobilehome.

(3) Its request that the management pursue the termination of tenancy against the homeowner and its offer to reimburse management for the reasonable attorney's fees and court costs incurred by the management in that action. If this request and offer are made, the legal owner, if any, or junior lienholder, if any, shall reimburse the management the amount of reasonable attorney's fees and court costs, as agreed upon by the management and the legal owner or junior lienholder, incurred by the management in an action to terminate the homeowner's tenancy, on or before the earlier of (A) the 60th calendar day following receipt of written notice from the management of the aggregate amount of those reasonable attorney's fees and costs

or (B) the date the mobilehome is resold.

(b) A legal owner, if any, or junior lienholder, if any, may sell the mobilehome within the park to a third party and keep the mobilehome on the site within the mobilehome park until it is resold only if all of the following requirements are met:

(1) The legal owner, if any, or junior lienholder, if any, notifies management in writing of the intention to exercise either option described in paragraph (2) or (3) of subdivision (a) within 60 days following receipt of, or no later than 65 days after the mailing of, the notice of termination of tenancy and satisfies all of the responsibilities and liabilities of the homeowner owing to the management for the 90 days preceding the mailing of the notice of termination of tenancy and then continues to satisfy these responsibilities and liabilities as they accrue from the date of the mailing of that notice until the date the mobilehome is resold.

(2) Within 60 days following receipt of, or no later than 65 days after the mailing of, the notice of termination of tenancy, the legal owner or junior lienholder commences all repairs and necessary corrective actions so that the mobilehome complies with park rules and regulations in existence at the time the notice of termination of tenancy was given as well as the health and safety standards specified in Sections 18550, 18552, and 18605 of the Health and Safety Code, and completes these repairs and corrective actions within 90 calendar days of that notice, or before the date that the mobilehome is sold, whichever is earlier.

(3) The legal owner, if any, or junior lienholder, if any, complies with the requirements of Article 7 (commencing with **Section 798.70**) as it relates to the transfer of the mobilehome to a third party.

(c) For purposes of subdivision (b), the "homeowner's responsibilities and liabilities" means all rents, utilities, reasonable maintenance charges of the mobilehome and its premises, and reasonable maintenance of the mobilehome and its premises pursuant to existing park rules and regulations.

(d) If the homeowner files for bankruptcy, the periods set forth in this **section** are tolled until the mobilehome is released from bankruptcy.

(e) Notwithstanding any other provision of law, including, but not limited to, **Section 18099.5** of the Health and Safety Code, if neither the legal owner nor a junior lienholder notifies the management of its decision pursuant to subdivision (a) within the period allowed, or performs as agreed within 30 days, or if a registered owner of a mobilehome, that is not encumbered by a lien held by a legal owner or a junior lienholder, fails to comply with a notice of termination and is either legally evicted or vacates the premises, the management may either remove the mobilehome from the premises and place it in storage or store it on its site. In this case, notwithstanding any other provision of law, the management shall have a warehouseman's lien in accordance with **Section 7209** of the Commercial Code against the mobilehome for the costs of dismantling and moving, if appropriate, as well as storage, that shall be superior to all other liens, except the lien provided for in **Section 18116.1** of the Health and Safety Code, and may enforce the lien pursuant to **Section 7210** of the Commercial Code either after the date of judgment in an unlawful detainer action or after the date the mobilehome is physically vacated by the resident, whichever occurs earlier. Upon completion of any sale to enforce the warehouseman's lien in accordance with **Section 7210** of the Commercial Code, the management shall provide the purchaser at the sale with evidence of the sale, as shall be specified by the Department of



Housing and Community Development, that shall, upon proper request by the purchaser of the mobilehome, register title to the mobilehome to this purchaser, whether or not there existed a legal owner or junior lienholder on this title to the mobilehome.

(f) All written notices required by this **section** shall be sent to the other party by certified or registered mail with return receipt requested.

(g) Satisfaction, pursuant to this **section**, of the homeowner's accrued or accruing responsibilities and liabilities shall not cure the default of the homeowner.

798.57. The management shall set forth in a notice of termination, the reason relied upon for the termination with specific facts to permit determination of the date, place, witnesses, and circumstances concerning that reason. Neither reference to the **section** number or a subdivision thereof, nor a recital of the language of this article will constitute compliance with this **section**.

798.58. Tenancy may only be terminated for reasons contained in **Section 798.56**, and a tenancy may not be terminated for the purpose of making a homeowner's site available for a person who purchased or proposes to purchase, or rents or proposes to rent, a mobilehome from the owner of the park or the owner's agent.

798.59. A homeowner shall give written notice to the management of not less than 60 days before vacating his or her tenancy.

798.60. The provisions of this article shall not affect any rights or proceedings set forth in Chapter 4 (commencing with **Section 1159**) of Title 3 of Part 3 of the **Code of Civil Procedure** except as otherwise provided herein.

798.61. (a) (1) As used in this **section**, "abandoned mobilehome" means a mobilehome about which all of the following are true:

(A) It is located in a mobilehome park on a site for which no rent has been paid to the management for the preceding 60 days.

(B) It is unoccupied.

(C) A reasonable person would believe it to be abandoned.

(2) For purposes of this **section**:

(A) "Mobilehome" shall include a trailer coach, as defined in **Section 635** of the **Vehicle Code**, or a recreational vehicle, as defined in **Section 18010** of the **Health and Safety Code**, if the trailer coach or recreational vehicle also satisfies the requirements of paragraph (1), including being located on any site within a mobilehome park, even if the site is in a separate designated **section** pursuant to **Section 18215** of the **Health and Safety Code**.

(B) "Abandoned mobilehome" shall include a mobilehome that is uninhabitable because of its total or partial destruction that cannot be rehabilitated, if the mobilehome also satisfies the requirements of paragraph (1).

(b) After determining a mobilehome in a mobilehome park to be an abandoned mobilehome, the management shall post a notice of belief of



abandonment on the mobilehome for not less than 30 days, and shall deposit copies of the notice in the United States mail, postage prepaid, addressed to the homeowner at the last known address and to any known registered owner, if different from the homeowner, and to any known holder of a security interest in the abandoned mobilehome. This notice shall be mailed by registered or certified mail with a return receipt requested.

(c) Thirty or more days following posting pursuant to subdivision (b), the management may file a petition in the superior court in the county in which the mobilehome park is located, for a judicial declaration of abandonment of the mobilehome. A proceeding under this subdivision is a limited civil case. Copies of the petition shall be served upon the homeowner, any known registered owner, and any known person having a lien or security interest of record in the mobilehome by posting a copy on the mobilehome and mailing copies to those persons at their last known addresses by registered or certified mail with a return receipt requested in the United States mail, postage prepaid.

(d) (1) Hearing on the petition shall be given precedence over other matters on the court's calendar.

(2) If, at the hearing, the petitioner shows by a preponderance of the evidence that the criteria for an abandoned mobilehome has been satisfied and no party establishes an interest therein at the hearing, the court shall enter a judgment of abandonment, determine the amount of charges to which the petitioner is entitled, and award attorney's fees and costs to the petitioner. For purposes of this subdivision, an interest in the mobilehome shall be established by evidence of a right to possession of the mobilehome or a security or ownership interest in the mobilehome.

(3) A default may be entered by the court clerk upon request of the petitioner, and a default judgment shall be thereupon entered, if no responsive pleading is filed within 15 days after service of the petition by mail.

(e) (1) Within 10 days following a judgment of abandonment, the management shall enter the abandoned mobilehome and complete an inventory of the contents and submit the inventory to the court.

(2) During this period the management shall post and mail notice of intent to sell the abandoned mobilehome and its contents under this **section**, and announcing the date of sale, in the same manner as provided for the notice of determination of abandonment under subdivision (b).

(3) At any time prior to the sale of a mobilehome under this **section**, any person having a right to possession of the mobilehome may recover and remove it from the premises upon payment to the management of all rent or other charges due, including reasonable costs of storage and other costs awarded by the court. Upon receipt of this payment and removal of the mobilehome from the premises pursuant to this paragraph, the management shall immediately file an acknowledgment of satisfaction of judgment pursuant to **Section 724.030** of the **Code of Civil Procedure**.

(f) Following the judgment of abandonment, but not less than 10 days following the notice of sale specified in subdivision (e), the management may conduct a public sale of the abandoned mobilehome and its contents. The management may bid at the sale and shall have the right to offset its bids to the extent of the total amount due it under this **section**. The proceeds of the sale shall be retained by the management, but any unclaimed amount thus retained over and above the amount to which the management is entitled under this **section** shall be deemed abandoned property and shall be paid into the treasury of the county in which the sale took place within 30 days of

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the date of the sale. The former homeowner or any other owner may claim any or all of that unclaimed amount within one year from the date of payment to the county by making application to the county treasurer or other official designated by the county. If the county pays any or all of that unclaimed amount to a claimant, neither the county nor any officer or employee of the county is liable to any other claimant as to the amount paid.

(g) Within 30 days of the date of the sale, the management shall submit to the court an accounting of the moneys received from the sale and the disposition of the money and the items contained in the inventory submitted to the court pursuant to subdivision (e).

(h) The management shall provide the purchaser at the sale with a copy of the judgment of abandonment and evidence of the sale, as shall be specified by the State Department of Housing and Community Development or the Department of Motor Vehicles, which shall register title in the abandoned mobilehome to the purchaser upon presentation thereof. The sale shall pass title to the purchaser free of any prior interest, including any security interest or lien, except the lien provided for in **Section 18116.1** of the Health and Safety Code, in the abandoned mobilehome.

