

ARTICLE 26

MOBILE HOME PARK CLOSURE OR CHANGE OF USE

| Section | Subject Matter |
|-----------|--|
| 10-26.101 | TITLE |
| 10-26.102 | PURPOSE |
| 10-26.103 | DEFINITIONS |
| 10-26.104 | FILING A RELOCATION IMPACT REPORT (RIR) |
| 10-26.105 | CONVERSION DUE TO REDUCED OCCUPANCY |
| 10-26.106 | RELOCATION ASSISTANCE |
| 10-26.107 | RELOCATION IMPACT REPORT |
| 10-26.108 | CONTENT OF RELOCATION IMPACT REPORT |
| 10-26.109 | RESIDENT QUESTIONNAIRE |
| 10-26.110 | PROTECTIONS |
| 10-26.111 | NOTICE TO PROSPECTIVE RESIDENTS |
| 10-26.112 | HEARING AND NOTICE |
| 10-26.113 | HEARING BEFORE THE PLANNING COMMISSION |
| Section | Subject Matter |
| 10-26.114 | HEARING BEFORE THE CITY COUNCIL |
| 10-26.115 | EXEMPTION FROM RELOCATION ASSISTANCE OBLIGATIONS |
| 10-26.116 | EXPIRATION OF APPROVAL OF CONVERSION |
| 10-26.117 | ADMINISTRATION FEE |
| 10-26.118 | ADJUDICATION OF BANKRUPTCY |
| 10-26.119 | ENFORCEMENT |

ARTICLE 26

MOBILE HOME PARK CLOSURE OR CHANGE OF USE

SEC. 10-26.101 TITLE. These regulations shall be known as the Mobile Home Park Closure or Change of Use Regulations of the City of Hayward, may be cited as such, and will be referred to herein as "this Article."

SEC. 10-26.102 PURPOSE. The mobile home owners who rent spaces for their homes in mobile home parks make a considerable investment in purchasing, maintaining and improving their homes and in maintaining the rented space for their homes. If a park closes or is converted to a new use, the mobile home owners may lose their homes and the investment in them due to the high cost and risk of injury involved in moving a mobile home, the fact that improvements to a home may not be movable and the lack of vacant mobile home spaces in parks within a reasonable distance from the closing park that will accept relocating homes. In recognition of the unique situation and vulnerability of mobile home owners, the State Legislature adopted the Mobilehome Residency Law, Civil Code Section 798, et seq., which protects mobile home park residents from eviction except for specified and limited causes, and Government Code Sections 65863.7 and 66427.4, which authorize the City to require park owners who want to close a park or convert it to another use to provide reasonable relocation assistance as a condition of closing a park and/or changing the use.

This Article is adopted pursuant to Government Code Sections 65863.7 and 66427.4 and the City's police power to provide a procedure and standards for assessing the adverse impacts of a mobile home park closure or change of use on the displaced mobile home owners residing in the park that is being closed and to determine appropriate relocation assistance for those residents.

SEC. 10-26.103 DEFINITIONS.

- (a) "Applicant." Applicant means any person or entity seeking approval of a mobile home park closure or change of use. Applicant can also mean a park owner whose park has been determined to be undergoing conversion due to reduced occupancy.
- (b) "Comparable mobile home." Comparable mobile home means a mobile home that is similar in size, age, condition, number of bedrooms and amenities to a mobile home that is being displaced by conversion of a mobile home park.
- (c) "Comparable mobile home park." Comparable mobile home park means a mobilehome park that is similar in condition, age, size and amenities to the park that is being closed and is located within a community similar to that in which the park that is being closed is located and has similar access to community amenities such as shopping, medical services, recreational facilities and transportation.
- (d) "Comparable housing." Comparable housing means housing in an apartment complex or condominium that is similar in size, number of bedrooms and amenities to the mobile home that is being displaced and is located in a community that has similar access to shopping, medical services, recreational facilities and transportation or a comparable mobile home in a comparable mobile home park.

- (e) "Conversion." Conversion means the closure of a mobile home park and the cessation of holding out spaces in the park for rental even if no new use is planned, conversion of a mobile home park to another use, or a park where twenty-five percent or more of the spaces are uninhabited. The term "conversion" is synonymous with "change of use."

The term "conversion" in this Article does not refer to the change in ownership structure of a mobile home park from a rental park to resident ownership pursuant to Government Code Sections 66427.5 and 66428.1, as provided for under Section 10-3.850 of the Hayward Municipal Code.

- (f) "Development application." Development application means a filed request for approval of a General Plan Land Use Designation amendment, a zoning reclassification, or any other permit related to a proposed mobile home park change of use.
- (g) "Disabled household." Disabled household means a household in which a resident is a person with a medical condition or physical or mental impairment that substantially limits at least one of the person's major life activities, as defined in the federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act, or successor statutes.
- (h) "Legal owner." Legal owner means any person or entity having a legal interest in a mobile home, such as a lender or mortgagor.
- (i) "Mobile home." Mobile home shall have the meaning set forth in the Mobilehome Residency Law, Civil Code Section 798, et seq. as now in effect or subsequently amended and shall also mean vehicles designed or used for human habitation, including camping trailers, motorhomes, slide-in campers and travel trailers if they have been in the park being closed or converted and used as the occupant's primary residence, as established by nine months' continuous residency prior to the filing of a conversion application.
- (j) "Mobile home park" or "park." Mobile home park or park means an area of land where two or more mobile home spaces are rented or held out for rent to accommodate mobile homes used for human habitation.
- (k) "Mobile home resident" or "resident." Mobile home resident or resident means a registered owner of a mobile home who resides in the mobile home or a tenant.
- (l) "Park owner." Park owner means a person or entity that owns a mobile home park or a person or entity authorized to act on behalf of the owner of a mobile home park.
- (m) "Senior household." Senior household means a household in which a resident is at least sixty-two years old.
- (n) "Low income household" means a household with annual income less than eighty percent of the area median income of households in Alameda County, as defined by the California Housing and Community Development Department.

SEC. 10-26.104 FILING A RELOCATION IMPACT REPORT (RIR). The applicant shall file a Relocation Impact Report (RIR) for review and approval by the City before any park conversion can be approved. The RIR shall contain the information required in Section 10-26.108 (Content of Relocation Impact Report) and shall adequately define and address the social and economic impacts of the proposed conversion on displaced residents and mobile home owners, as required by the City. The RIR shall be filed at the same time as the development application and shall identify the proposed new use. If a mobile home park is undergoing conversion due to reduced occupancy, the RIR shall be filed within a period of time established by the City's Development Services Director under Section 10-26.105 (Conversion Due to Reduced Occupancy.)

SEC. 10-26.105 CONVERSION DUE TO REDUCED OCCUPANCY. A park is deemed to be undergoing conversion by closure or cessation of use when twenty-five percent or more of the spaces are uninhabited.

- (a) Statements of Reduced Occupancy. At the time of twenty-five percent vacancy, the park owner shall file a statement explaining any known reasons for the reduced occupancy and any intention to change the use. A resident may also file a statement of reduced occupancy and shall indicate the spaces the resident believes to be uninhabited.
 - (1) Statement Filed by Park Owner. If a park owner files a statement of reduced occupancy, the Development Services Director shall issue a notice of determination of conversion. No public hearing is required.
 - (2) Statement Filed by Residents. If residents file a statement of reduced occupancy, the statement must be signed by no less than ten (10) percent of the residents of the mobile home park, and the Planning Commission shall determine the correctness of the statement at a noticed public hearing.
 - (3) Hearing. The Planning Commission shall conduct a hearing on a statement filed by residents following the procedures in Sections 10-26.112(a) and 10-26.113. Notice of the time and place of any public hearing described in this subsection shall be given to the park owner, mobile home owners and residents and posted at all entrances of the park at least thirty days before the hearing.
- (b) Notice of Determination and RIR. Written notice of conversion due to reduced occupancy shall be issued to the park owner, mobile home owners, and residents with proof of service. The notice of determination shall include a reasonable period of time during which the park owner shall file a RIR.
- (c) Waiver Request from Relocation Assistance. The park owner may request a partial or total exemption from relocation assistance obligations under Section 10-26.115 (Exemption From Relocation Assistance Obligations). The request shall be filed no later than the date established by the Development Services Director in the notice of determination under subsection (b).
- (d) Failure to Prepare a RIR. The failure of the park owner to prepare a RIR within the time required by the Development Services Director pursuant to subsection (b) of this section is hereby determined to have a severely adverse economic effect on mobile home residents and eligible mobile home owners due to the delay in

providing necessary relocation assistance which would result from such failure. Such failure is hereby determined to be a public nuisance.

- (1) City-Initiated RIR Preparation. If the park owner fails to prepare or cause to be prepared a RIR within such required time, the Development Services Director shall cause such report to be prepared.
- (2) Statement of Cost of Preparation. Upon completion of such report, the Development Services Director shall cause a statement of the cost of preparation of such report to be sent to the park owner. If the park owner fails to reimburse the City for such cost within 30 days after presentation of such statement, the Development Services Director shall prepare a report on such expense and file it with the City Clerk. The City Clerk shall thereupon submit written notice to the mobile home park owner of the time and place when the City Council shall receive and consider such report and give the park owner not less than 30 days' written notice thereof by certified mail.
- (3) City Council Hearing on RIR Cost. At the time and place fixed for receiving and considering the Development Director's report on the cost of preparation of the RIR, the City Council shall hear the same together with any objections which may be raised by the park owner liable to be assessed for the cost of the report. The Development Services Director shall attend such meeting with his/her record thereof, and upon such hearing, the City Council shall make such modifications in the proposed assessment thereof as it may deem necessary, after which such report and assessment shall be confirmed by resolution.
- (4) Collection of RIR Cost. The amount of the cost of preparation of such report shall constitute a special assessment against the mobile home park and, after thus made and confirmed, shall constitute a lien on such property for the amount of said assessment until paid. The Director of Finance shall cause the amount of the assessment to be entered on the City assessment roll opposite the description of the particular property, and the amount shall be collected with all other taxes thereon upon the property. Thereafter such amounts shall be collected at the same time, and in the same manner, as general City taxes are collected and shall be subject to the same penalties and interest, and the same procedure and sale in case of delinquency as provided for City taxes. All laws and ordinances applicable to the levy, collection and enforcement of City taxes are hereby made applicable to such special assessment.

SEC. 10-26.106 RELOCATION ASSISTANCE. Under Government Code Sections 65863.7 and 66426.4, the applicant shall provide relocation assistance to mitigate any adverse impacts of a mobile home park conversion on displaced residents and mobile home owners in a manner that does not exceed the reasonable cost of relocation. This section establishes minimum relocation assistance for residents and mobile home owners. The applicant and any person eligible for relocation assistance may agree to other mutually satisfactory relocation assistance.

- (a) Eligibility for Relocation Assistance. Mobile home owners and residents are entitled to relocation assistance if they have not given notice to terminate their lease as of the date of the following, whichever occurs first:

- (1) Filing of a Development Application;
 - (2) Filing of a RIR; or
 - (3) Determination that the park is undergoing conversion due to reduced occupancy.
- (b) Reasonable Cost of Relocation. Reasonable cost of relocation includes a moving allowance and other applicable types of relocation assistance as defined in this section and based on the RIR.
- (c) Moving Allowance for Eligible Residents. For all eligible residents, relocation assistance shall include a moving allowance to move to another park or other replacement housing up to a distance of one hundred miles. The resident is responsible for additional costs to move to a location farther than one hundred miles. Moving allowance includes:
- (1) The cost to move furniture and personal belongings;
 - (2) Rent for first and last month at the new location;
 - (3) Required security deposit at the new location;
 - (4) Temporary lodging, if applicable; and
 - (5) The appraised value of personal property that cannot reasonably be relocated.
- (d) Other Relocation Assistance. For eligible residents and mobile home owners, relocation assistance may also include one or more of the following:
- (1) Accessibility Improvements for Mobile Home Owners. For eligible mobile home owners, relocation assistance may include payment of the cost to reinstall or replace any accessibility improvements made to the mobile home such as wheelchair ramps, lifts, and grab bars.
 - (2) Assistance for Disabled Households. For eligible disabled households, relocation assistance may include an additional sum toward the cost of obtaining any assistance needed to enable the resident to move.
 - (3) Rent Subsidy for Senior, Disabled or Low Income Households. For eligible senior, disabled or low income households, relocation assistance may include payment of a rent subsidy of up to thirty-six months if needed to offset increased housing costs and secure comparable housing. The rent subsidy is the difference of rent paid by the resident in the park and any higher rent for either a space at another park if the mobile home is relocated, or rent for comparable housing if the resident moves to other rental housing. Mobile home owners who are eligible to sell their mobile home to the applicant at its in-place value may only receive the rent subsidy if the selling price is inadequate to secure comparable replacement housing for at least thirty-six months.

- (4) Mobile Home Relocation Costs for Mobile Home Owners. For any eligible mobile home owner whose mobile home can be relocated, relocation assistance may include the lowest of three estimates obtained by the relocation specialist from licensed mobile home movers to physically relocate the mobile home to up to a maximum distance of one hundred miles. The mobile home owner is responsible for additional costs to move the mobile home to a location farther than one hundred miles. The estimates shall include the cost of disassembly of the mobile home, transportation to the new site, reinstallation, replacement or reconstruction of blocks, skirting, shiplap siding, porches, decks and awnings, earthquake bracing if necessary, insurance coverage during transport, and utility hook-ups.

- (5) Sale at One Hundred Percent In-Place Value for Mobile Home Owners. For any eligible mobile home owner whose home cannot be relocated to a comparable park within one hundred miles or another park chosen by the mobile home owner, the City may require the applicant to purchase the mobile home at one hundred percent of its in-place value. The applicant shall hire a mobile home appraiser from a list provided by the Development Services Director to determine the in-place value of the mobile home. If the mobile home owner disputes the appraised value of his or her mobile home, the mobile home owner may hire an appraiser from the Development Services Director's list to obtain an appraisal. To be considered, the mobile home owner shall obtain the appraisal within one hundred eighty days of the approval date of the RIR. If a second appraisal is obtained, the mobile home owner is entitled to the average of the appraisals obtained by the applicant and the mobile home owner.

If the appraiser identifies lack of maintenance, deferred maintenance or deterioration of the subject park which negatively affects the value of a mobile home, the appraiser shall determine the value of the home with an upward adjustment in value if necessary to eliminate the negative effect in value caused by the lack of maintenance, deferred maintenance or deterioration, normal wear and tear excepted.

- (6) Right of First Refusal for Residents. For all eligible residents, relocation assistance shall include the right of first refusal to purchase or rent new homes or apartments to be constructed on the park site. Income-eligible residents may have first priority to purchase or rent any below market rate (BMR) units which may be constructed on the park site, if they meet all eligibility requirements for the BMR housing program. In order to receive priority for BMR units, interested residents shall file a request with the Development Services Department before vacating the park.

SEC. 10-26.107 RELOCATION IMPACT REPORT. Prior to conversion of a park, the park owner shall file with the City an application to convert the park, a resident questionnaire and relocation impact report ("RIR"). The application shall be made on a form provided by the City. No application shall be deemed complete until a resident questionnaire for each affected mobile home owner and resident and a completed RIR have been filed.

No notice that the park is being converted or of any proposed new use of the park shall be given and no signs indicating that the park is being converted or closed or indicating the future use of the park shall be posted prior to the date on which the City has approved the conversion and the park owner has signed and filed a certificate accepting the conditions of approval adopted by the City.

SEC. 10-26.108 CONTENT OF RELOCATION IMPACT REPORT . The RIR shall include the following information:

- (a) A description of any proposed new use for the site;
- (b) A proposed timetable for the conversion of the park;
- (c) A legal description of the park;
- (d) The number of spaces in the park;
- (e) For each space in the park:
 - (1) The size, number of bedrooms, manufacturer and date of manufacture of the mobile home on the space.
 - (2) The number occupants of the mobile home and their length of residency in the park.
 - (3) The total monthly space rent currently charged for each space with detail showing the space rent, utility charges, and any other costs paid by the resident.
 - (4) The value the mobile home would have if the park were not being closed, the replacement value of the mobile home, and its value if it is to be removed from the park and cannot be relocated to a space in a comparable mobile home park. These values shall be determined by appraisals by a qualified appraiser to be chosen by the park owner from a list supplied by the Development Services Director. The cost of the appraisals shall be paid by the park owner.
 - (5) Any improvements to the home, including but not limited to, patios, porches, pop-out rooms and any recent major improvements to the home, including but not limited to, a new roof or new siding.
 - (6) Any information available to the park owner concerning any handicap, disability or special need of the residents.
 - (7) Two sets of mailing labels for both the residents and legal owners of each mobile home.
- (f) The purchase price paid for the park by the park owner and any amount incurred to make capital improvements to the park.
- (g) An appraisal of the park if continued in use as a mobile home park and an appraisal of the park site if used for the highest and best use permitted by the zoning for the

site or any new zoning being requested by the park owner. The appraiser shall be selected by the park owner from a list provided by the Development Services Director, and shall be paid by the park owner.

- (h) Whether the park owner has offered to sell the mobile home park to the residents and terms of that offer.
- (i) The purchase price of comparable mobile homes in comparable mobile home parks.
- (j) The cost of comparable housing, including the purchase price of comparable condominiums and comparable mobile homes in a comparable mobile home park and the cost of moving into a comparable apartment, including such items as first and last months' rent, security deposits and higher rent or mortgage payments at the comparable housing.
- (k) A list of comparable parks within a one hundred mile radius and for each such park, the space rents and the qualifications for residency in each park (e.g., age restrictions, no pets), whether the park has any vacant space and will accept homes being relocated and if so, any restrictions, such as size and age, on the relocated homes that would be accepted.
- (l) Estimates from two moving companies approved by the Development Services Director, and qualified to move mobile homes on public streets and highways, of the cost of moving each mobile home in the park, including the cost of permits and tearing down and setting up the home at the new location, including the cost of any upgrades to comply with applicable building, plumbing, electrical and health and safety codes and the cost of moving any improvements, including, but not limited to, patios, porches and pop-out rooms.
- (m) Proposed measures to mitigate the adverse impacts of the park conversion on the residents in the park.
- (n) Identification of a relocation specialist to assist the residents in finding and moving to relocation spaces and comparable housing. The relocation specialist shall be selected by the park owner from a list provided by the Development Services Director, and shall be paid by the park owner.

SEC. 10-26.109 RESIDENT QUESTIONNAIRE. A confidential resident questionnaire shall be sent to each mobile home owner and resident of the park on a form provided by the City as soon as the conversion application has been filed. The questionnaires shall be kept separately from the rest of the application materials and shall not be included in the RIR sent to each mobile home owner and resident. The identity of each mobile home owner and resident and his or her responses shall be kept confidential and used only to determine the relocation assistance to be provided to a particular mobile home owner and resident. If a questionnaire contains insufficient information, the City may seek the information directly from the mobile home owner and resident. The City shall be entitled to reimbursement for any such costs if the park owner failed or refused to obtain such information. The questionnaire shall require the following information for each mobile home space in the park:

- (a) The registered owner and legal owner of the mobile home;

- (b) The identity, ages, number and any mental or physical handicap or special needs of the residents occupying the mobile home;
- (c) The date of manufacture of the mobile home, the name of the manufacturer, the size of the mobile home, the number of bedrooms in the mobile home, any special amenities in the home, including but not limited to equipment needed because of the medical condition, age, or handicap or disability of any resident or tenant in the home;
- (d) Any improvements or renovations to the mobile home or improvements to the mobile home space made by the current resident, including, but not limited to, a new roof, porches, patios, awnings, pop-out rooms, recreational equipment, barbecue equipment, landscaping, etc., whether such improvements are movable and the cost of such improvements;
- (e) The purchase price paid by the current resident of the mobile home and the amount and terms of any remaining mortgage or loan on the home;
- (f) Any special circumstance that would limit the area to which the resident or tenant is able to relocate;
- (g) Whether the residents receive Supplemental Social Security Income or qualify as low or very low income persons or families under the standards issued by the Department of Housing and Urban Development ("HUD").

SEC. 10-26.110 PROTECTIONS.

- (a) Any resident already renting a space in the park on the date the application for conversion is filed shall be eligible for relocation assistance.
- (b) No park owner shall require any resident to waive his/her rights to relocation assistance as a condition of renting a space in the park, except when the resident moves into the park after the date the conversion application is filed and notice has been given that the conversion application has been filed. Any such waiver will only be valid if the park owner completes the conversion hearing process within year.
- (c) Residents who are eligible for relocation assistance shall be entitled to the assistance required by the City as a condition of conversion even if they move out of the park before the City's final determination concerning required relocation assistance.
- (d) No resident shall be required to remove his or her mobile home and no resident shall be required to vacate a mobile home until all of the following conditions have been satisfied:
 - (1) The park owner has given the six months' notice of closure required by the Civil Code Section 798.56 and that six-month period has elapsed, and
 - (2) The City's decision approving the closure is final, and

- (3) The park owner has provided the relocation assistance required by the City as a condition of conversion.
- (e) An application for conversion of a park does not relieve a mobile home owner or resident from his or her obligation to pay rent.

SEC. 10-26.111 NOTICE TO PROSPECTIVE RESIDENTS. Before executing a rental agreement, the park owner shall advise, in writing, each prospective new resident that a development application for park conversion has been filed, or that the park has been determined to be undergoing conversion due to reduced occupancy, and that the new resident may not be entitled to any relocation assistance under Section 10-26.106 (Relocation Assistance).

SEC. 10-26.112 HEARING AND NOTICE.

- (a) **RIR Completion and Notice.** Upon receipt of the RIR, the Development Services Director shall examine the RIR and within thirty (30) days after receipt thereof determine whether the RIR is complete. When a complete RIR has been filed, the Development Services Director shall set a time, date and place for a hearing before the Planning Commission within sixty (60) days of the date that the Development Services Director determines the RIR is complete.

At least fifteen days prior to the hearing, the Development Services Director shall mail notice to the applicant and mobile home owners and residents of the date, time and place of the hearing. The notice of the hearing shall contain a general explanation of the matters to be considered by the Planning Commission.

- (b) **Review of Waiver Request.** The request for a waiver from relocation assistance obligations shall be reviewed concurrently with the RIR. After receiving a recommendation from the Planning Commission, the City Council may grant or deny the waiver request if the required documentation demonstrates that providing the required relocation assistance would impose an unreasonable financial hardship.
- (c) **RIR Approval Required Before Final Determination on Development Application.** The City shall not take final action on a development application until the City Council has approved the RIR. Public hearings on any development application for the park site shall not be held in conjunction with, or on the same night as any public hearing on the RIR.

SEC. 10-26.113 HEARING BEFORE THE PLANNING COMMISSION. The Planning Commission shall conduct a hearing to review the RIR. At the conclusion of the hearing, the Planning Commission shall render its decision. The Planning Commission decision shall be in the form of a recommendation to the City Council of approval, conditional approval or disapproval of the RIR. The Planning Commission shall recommend approval of the RIR if it finds the RIR satisfactorily addresses the following:

- (a) The RIR contains the required information.
- (b) If the RIR is prepared for a change of use of a mobile home park, the proposed change of use is consistent with the General Plan, any applicable Specific Plan, or any similar State law or City ordinance.

- (c) The applicant has complied with all notice requirements as provided for in Government Code Section 65863.7(b),(c), and Civil Code Section 798.56, and each mobile home resident has had adequate notification of the proposed conversion.
- (d) The RIR accurately represents the total costs associated with the relocation of each mobile home resident.
- (e) Each mobile home resident will receive the reasonable costs of relocation from the mobile home park owner pursuant to Government Code section 65863.7(e) and Section 10-26.106 of this ordinance.

In recommending approval of the RIR, the Planning Commission may recommend the imposition of such conditions as it finds necessary to mitigate the adverse impacts on the residents; however, any steps required to be taken by the applicant pursuant to this section shall not exceed the reasonable costs of relocation. Notice of the decision of the Planning Commission shall be mailed to the applicant and to each mobile home owner and resident of the park.

SEC. 10-26.114 HEARING BEFORE THE CITY COUNCIL. The City Council shall conduct a hearing to review the RIR within thirty (30) days of the date of the decision of the Planning Commission. The Council may consider all relevant evidence presented at the hearing and shall render its findings and decision within sixty (60) days therefrom. The Council shall approve the RIR if it finds that the RIR satisfactorily addresses the following:

- (a) The RIR contains the required information.
- (b) If the RIR is prepared for a change of use of a mobile home park, the proposed change of use is consistent with the General Plan, any applicable Specific Plan, or any similar State law or City ordinance.
- (c) The applicant has complied with all notice requirements as provided for in Government Code Section 65863.7(b),(c), and Civil Code Section 798.56, and each mobile home resident has had adequate notification of the proposed conversion.
- (d) The RIR accurately represents the total costs associated with the relocation of each mobile home resident.
- (e) Each mobile home resident will receive the reasonable costs of relocation from the mobile home park owner pursuant to Government Code section 65863.7(e) and Section 10-26.106 of this ordinance.

In approving of the RIR, the City Council may require the imposition of such conditions as it finds necessary to mitigate the adverse impacts on the residents; however, any steps required to be taken by the applicant pursuant to this section shall not exceed the reasonable costs of relocation. Notice of the decision of the City Council shall be mailed to the applicant and to each mobile home owner and resident of the park.

SEC. 10-26.115 EXEMPTION FROM RELOCATION ASSISTANCE

OBLIGATIONS. If the applicant believes that providing the required relocation assistance would impose an unreasonable financial hardship, the applicant may request total or partial exemption from relocation assistance obligations in accordance with this section. The request shall be filed with the RIR.

- (a) Disclosure to Residents. The applicant shall notify residents of the request for exemption from relocation assistance obligations.
- (b) Required Information. To justify the basis for the request of exemption from relocation assistance obligations, the applicant shall provide the following information with the RIR:
 - (1) Financial Statements. Statements of profit and loss from the operations of the park for the most recent five-year period of the date of the application or request, verified by a certified public accountant;
 - (2) Statement of Repairs and Improvements. A statement made under penalty of perjury by a state-licensed general contractor that repairs and improvements are necessary to maintain the park in a decent, safe and sanitary condition and to continue the use of the property as a mobile home park. The statement shall include an itemized list of the necessary repairs and improvements, their costs, and the minimum period of time they shall be made. The applicant shall also submit a statement verified by a certified public accountant on the necessary increase in rental rates of mobile home spaces within the park within the next five years necessary to pay for such repairs or improvements. At the Development Services Director's discretion, the applicant may be required to hire another licensed general contractor selected by the Development Services Director to analyze the submitted information from another licensed general contractor selected by the Development Services Director;
 - (3) Estimated Relocation Costs. The estimated total cost of relocation assistance based on the requirements of Section 10-26.106 (Relocation Assistance) and as determined by the relocation specialist;
 - (4) Appraised Value Estimate. A comparison by an appraiser from the Development Services Director's list of the estimated values of the property if it were to continue as a mobile home park, and if the park were developed according to the proposed redevelopment of the park; and
 - (5) Additional Information. Other information the applicant believes to be pertinent, or which may be required by the Development Services Director.

SEC. 10-26.116 EXPIRATION OF APPROVAL OF CONVERSION.

Conversion approvals shall expire one year after the date they are issued. The Development Services Director may deny or grant a request for an extension of time of conversion approval. The Development Services Director may upon request grant extensions of time based upon a showing that good faith progress has been made toward fulfilling the conditions of approval or some intervening event not the fault of the park owner has prevented timely compliance with the conditions of approval. The applicant may appeal the denial of a request for an extension to the Planning Commission.

SEC. 10-26.117 ADMINISTRATION FEE. The City Council shall by resolution establish the reasonable fee to cover the cost of administering this Article and shall assess such fees to the applicant pursuant to Government Code Section 65863.7(g) and subject to the limitations set forth in Government Code Section 66014(a).

SEC. 10-26.118 ADJUDICATION OF BANKRUPTCY. If the change in use of a mobile home park results from an adjudication of bankruptcy, the provisions of this Article shall not be applicable to an applicant when a court of competent jurisdiction has determined in connection with a proceeding in bankruptcy that the conversion of the mobile home park is necessary and that such court has taken further action, which would preclude the payment of relocation assistance benefits.

SEC. 10-26.119 ENFORCEMENT. Any person, firm or corporation violating any provision of this Article is guilty of a misdemeanor and, upon conviction thereof, shall be punishable as provided by law.

Ord. 14-12, adding Article 26 to Chapter 10 of the Hayward Municipal Code regarding Mobile Home Park Closure or Change of Use, adopted May 13, 2014.