

CWEST'S ANNOTATED CALIFORNIA CODES
GOVERNMENT CODE
TITLE 7. PLANNING AND LAND USE
DIVISION 1. PLANNING AND ZONING
CHAPTER 4. ZONING REGULATIONS
ARTICLE 2. ADOPTION OF REGULATIONS**§ 65863.7. Mobilehome park; conversion, closure or cessation; impact report; notice to residents; hearing; bankruptcy exception; fees**

(a) Prior to the conversion of a mobilehome park to another use, except pursuant to the Subdivision Map Act (Division 2 (commencing with Section 66410) of Title 7), or prior to closure of a mobilehome park or cessation of use of the land as a mobilehome park, the person or entity proposing the change in use shall file a report on the impact of the conversion, closure, or cessation of use upon the displaced residents of the mobilehome park to be converted or closed. In determining the impact of the conversion, closure, or cessation of use on displaced mobilehome park residents, the report shall address the availability of adequate replacement housing in mobilehome parks and relocation costs.

(b) The person proposing the change in use shall provide a copy of the report to a resident of each mobilehome in the mobilehome park at least 15 days prior to the hearing, if any, on the impact report by the advisory agency, or if there is no advisory agency, by the legislative body.

(c) When the impact report is filed prior to the closure or cessation of use, the person or entity proposing the change shall provide a copy of the report to a resident of each mobilehome in the mobilehome park at the same time as the notice of the change is provided to the residents pursuant to paragraph (2) of subdivision (f) of Section 798.56 of the Civil Code.

(d) When the impact report is filed prior to the closure or cessation of use, the person or entity filing the report or park resident may request, and shall have a right to, a hearing before the legislative body on the sufficiency of the report.

(e) The legislative body, or its delegated advisory agency, shall review the report, prior to any change of use, and may require, as a condition of the change, the person or entity to take steps to mitigate any adverse impact of the conversion, closure, or cessation of use on the ability of displaced mobilehome park residents to find adequate housing in a mobilehome park. The steps required to be taken to mitigate shall not exceed the reasonable costs of relocation.

(f) If the closure or cessation of use of a mobilehome park results from an adjudication of bankruptcy, the provisions of this section shall not be applicable.

(g) The legislative body may establish reasonable fees pursuant to Section 66016 to cover any costs incurred by the local agency in implementing this section and Section 65863.8. Those fees shall be paid by the person or entity proposing the change in use.

(h) This section is applicable to charter cities.

(i) This section is applicable when the closure, cessation, or change of use is the result of a decision by a local governmental entity or planning agency not to renew a conditional use permit or zoning variance under which the mobilehome park has operated, or as a result of any other zoning or planning decision, action, or inaction. In this case, the local governmental agency is the person proposing the change in use for the purposes of preparing the impact report required by this section and is required to take steps to mitigate the adverse impact of the change as may be required in subdivision (e).

CREDIT(S)

(Added by Stats.1980, c. 879, p. 2760, § 2. Amended by Stats.1985, c. 1260, § 1; Stats.1986, c. 190, § 2, eff. June 25, 1986; Stats.1988, c. 171, § 2; Stats.1988, c. 910, § 2; Stats.1990, c. 1572 (A.B.3228), § 11.)

<General Materials (GM) - References, Annotations, or Tables>

HISTORICAL AND STATUTORY NOTES

1997 Main Volume

The 1985 amendment rewrote the section which had read:

"Prior to the conversion of a mobilehome park to another use, except pursuant to the Subdivision Map Act (Division 2 (commencing with Section 66410) of Title 7), the person or entity proposing such change in use shall file a report on the impact of the conversion upon the displaced residents of the mobilehome park to be converted. In determining the impact of the conversion on displaced mobilehome park residents, the report shall address the availability of adequate replacement space in mobilehome parks.

"The person proposing such change in use shall make a copy of the report available to each resident of the mobilehome park at least 15 days prior to the hearing on the impact report by the advisory agency, or if there is no advisory agency, by the legislative body.

"The legislative body, or its delegated advisory agency, shall review such report, prior to any change of use, and may require, as a condition of such change, the person or entity to take steps to mitigate any adverse impact of the conversion on the ability of displaced mobilehome park residents to find adequate space in a mobilehome park.

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"This section establishes a minimum standard for local regulation of conversions of mobilehome parks into other uses and shall not prevent a local agency from enacting more stringent measures."

The 1986 amendment added letter designations to the paragraphs and added subds. (g) and (h).

The 1988 amendments added subd. (i).

Under the provisions of § 4 of Stats.1988, c. 910, the 1988 amendments of this section by c. 171 and c. 910 were given effect and incorporated in the form set forth in § 2 of c. 910. An amendment of this section by § 1 of Stats.1988, c. 910, failed to become operative under the provisions of § 4 of that Act.

Section affected by two or more acts at the same session of the legislature, see Government Code § 9605.

Amendment of this section by § 11.5 of Stats.1990, c. 1572, failed to become operative under the provisions of § 30 of that Act.

LIBRARY REFERENCES

1997 Main Volume

Zoning and Planning ↪83.
 WESTLAW Topic No. 414.
 C.J.S. Zoning and Land Planning §§ 25, 62.

Treatises and Practice Aids

4 Witkin Cal. Summ. 9th Real Property § 566.

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Notice and reporting requirements 1

1. Notice and reporting requirements

Mobilehome park owner must comply with notice and reporting requirements set forth in Government Code whenever there is change of use of entire park or functional portion thereof which results in displacement of tenants. *Keh v. Walters* (App. 6 Dist. 1997) 65 Cal.Rptr.2d 42, 55 Cal.App.4th 1522, rehearing denied, review denied. Landlord And Tenant ↪ 393

At time of mobilehome park's proposed change of use, local ordinance required application and tenant impact report for any change which "could result in the loss of mobilehome park spaces" and fact that ordinance did not describe particular filing and review process at time park owner first served notice of termination on tenants did not excuse owner's noncompliance with Government Code's requirements of application and impact report. *Keh v. Walters* (App. 6 Dist. 1997) 65 Cal.Rptr.2d 42, 55 Cal.App.4th 1522, rehearing denied, review denied. Landlord And Tenant ⇄ 390

2. Filing of report

Sending copy of tenant impact report to city attorney marked for informational purposes did not constitute "filing" of report with local legislative body, required before any change of use of mobilehome park could occur; report which was simply sent to displaced residents with copy mailed to city attorney did not comply with Government Code. *Keh v. Walters* (App. 6 Dist. 1997) 65 Cal.Rptr.2d 42, 55 Cal.App.4th 1522, rehearing denied, review denied. Landlord And Tenant ⇄ 390

West's Ann. Cal. Gov. Code § 65863.7, CA GOVT § 65863.7

Current through end (Ch. 909) of 2003-04 Reg.Sess. urgency legislation, Ch. 13 (end) of 1st Ex.Sess. urgency legislation, & Ch. 1 (end) of 2nd Ex.Sess. & the Oct. 7, 2003 election.

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