

Clarification of 25 Percent Vacancy Threshold in Mobile Home Park Conversion

Ordinance – Several recent inquiries and statements indicate that there is some confusion about the reference in the City's Mobile Home Park Conversion [ordinance](#) (Chapter 19.72) to a 25 percent vacancy rate within a park. The statement was that a park owner would allow a park to reach a 25 percent vacancy rate so that the property could be rezoned. The 25 percent vacancy is a threshold indicating that a park is undergoing a "reduced occupancy conversion" which requires protection measures and benefits for the remaining residents. The decision about whether or not to rezone a property is independent of the conversion of an existing mobile home park.

To clarify, Chapter 19.72 allows park owners to opt to close or convert a park at any time, provided they comply with the requirements of the code:

19.72.010(4): "...the conversion, closure or cessation of use of a mobile home park could have an adverse impact on the ability of displaced residents to find adequate replacement housing. The mitigation measures required by this chapter are found to be necessary and reasonable, consistent with state law, while recognizing the rights of park owners to pursue changes in land use."

It is not necessary or advantageous in this process for the park to have a vacancy rate of 25 percent or more. The provisions regarding high vacancy rates are included to prevent park owners from attempting to avoid the requirements of Chapter 19.72 through a gradual, undeclared, de facto closure process or "reduced occupancy conversion":

19.72.070 (a): "Reduced Occupancy Conversion. A park is deemed to be undergoing conversion by closure or cessation of use when twenty-five percent or more of the spaces is uninhabited. 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."

This section is intended to provide residents with the ability to trigger the requirements of Chapter 19.72 if an owner would be unwilling to acknowledge the conversion by completing the required noticing process, which would then subject the park owner to the relocation assistance requirements. The requirements for relocation assistance and other provisions for the residents are the same, whether the closure is initiated by a park owner directly (even if a park is 100 percent occupied), or through the provisions of the Reduced Occupancy Conversion section of the code.

In addition, some have expressed confusion about whether a 25 percent vacancy rate would allow or require a mobile home park to be rezoned. Rezoning decisions are discretionary decisions of the Council and must be consistent with the General Plan. The General Plan includes a policy to maintain at least 400 acres of land within the Residential Mobile Home Park (RMH) zone. The intent of this policy is to maintain mobile home park zoning, whether or not a park has vacancies. There is no mention of rezoning in the above section on reduced occupancy conversions. It is extremely rare for local parks to have vacant spaces, since there is such high demand for them from mobile home owners, buyers, dealers, and park owners, who can also place a mobile home on a space and rent it out directly to a tenant.