



CITY OF
HAYWARD
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DATE: April 29, 2008
TO: Mayor and City Council
FROM: City Clerk
SUBJECT: Adoption of an Ordinance Amending Chapter 10, Article 3, of the Hayward Municipal Code Relating to Mobilehome Park Conversions

RECOMMENDATION

That the City Council adopt the attached Ordinance.

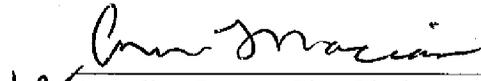
BACKGROUND

The ordinance was introduced at the April 22, 2008, meeting of the City Council with the following vote:

AYES:	Council Members:	Rodriquez, Quirk, Halliday, Ward, Dowling, Henson
	Mayor:	Sweeney
NOES:	Council Members:	None
ABSENT:	Council Members:	None
ABSTAIN:	Council Members:	None

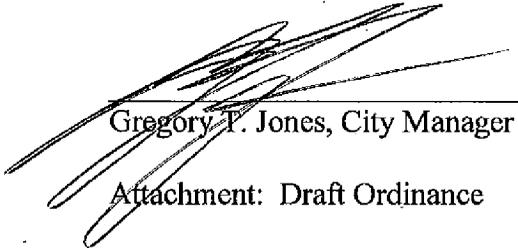
The ordinance was published in the Hayward Daily Review on April 26, 2008. Adoption at this time is therefore appropriate.

Recommended by:



Angelina Reyes, City Clerk

Approved by:



Gregory T. Jones, City Manager

Attachment: Draft Ordinance

PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE BY THE CITY
COUNCIL OF THE CITY OF HAYWARD

AN ORDINANCE AMENDING CHAPTER 10, ARTICLE 3 OF THE HAYWARD
MUNICIPAL CODE RELATING TO MOBILEHOME PARK CONVERSIONS

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Sections 10-3.8.50 through 10-3.915 of Chapter 10, Article 3 of the Hayward Municipal Code, relating to mobilhome park conversions, are hereby amended to read as follows:

“MOBILEHOME PARK CONVERSIONS

SEC. 10-3.850 FINDINGS, INTENT AND APPLICABLE LAW. A majority of mobilehome residents in the City of Hayward have significant personal and social ties to the community and virtually all mobilehome owners have made a substantial financial investment in their mobilehomes. Mobilehome owners in the City of Hayward elected to make this financial investment in part to secure certain social as well as economic benefits they enjoy in close, secure physical surroundings. A significant proportion of mobilehome residents are senior citizens, many of whom live on limited or fixed incomes. In addition, the cost and risk of potential damage in moving mobilehomes is great, as is the cost of preparing a new site and meeting the code requirements for reinstalling a mobilehome. Unlike other residents of the City of Hayward who rent their dwelling units or even those who own their own homes, mobilehome owners cannot relocate easily within the City of Hayward or Alameda County because of the scarcity of vacant mobilehome sites and/or cost of relocation. It is necessary that the provisions of the Conversion Provisions be applied to mobilehome park subdivisions so that the potential adverse effects of a change in the form of ownership or use are prevented or minimized.

A unique risk to a significant segment of the City’s residents is therefore presented when a mobilehome park is converted from a park owned by a single entity in which sites are rented into a form of ownership in which individual sites may be owned. Furthermore, the protection offered by City of Hayward Ordinance No. 89-057, C.S., as amended through Ordinance No. 05-02, Mobilehome Space Rent Stabilization Ordinance, is likely to be lost by a significant number of mobilehome park residents who are unable to afford to buy their mobilehome spaces.

The State Legislature has provided a basis for protecting mobilehome owners in the enactment of Government Code Sections 66426, 66427, 66427.4, 66427.5 and 66428.1, as well as the Mobilehome Parks Act located in the Health and Safety Code Section 18000 et seq., and the Mobilehome Residency Law (MRL) found in the Civil Code Section 798 et seq. These legislative sections are the bases for all mobilehome and mobilehome park regulations within the State of California and are the bases for the conversion provisions that follow.

These provisions (the “Conversion Provisions”) address the need for standards and procedures pertaining to mobilehome park conversions to resident ownership pursuant to Government Code Sections 66427.5 and 66428.1 only. The Conversion Provisions do not apply to a change in use or cessation of use of property as a mobilehome park.

In addition, the Conversion Provisions are intended to implement state laws regarding the conversion of mobilehome parks to resident ownership; ensure that conversions to resident ownership are bona fide resident conversions in accordance with state law; maintain consistency

with the housing goals and policies of the City's general plan and zoning code; ensure that park residents receive appropriate and timely information to assist them in fully understanding their rights and obligations under the statute; and ensure the public health and safety in converted parks.

SEC. 10-3.855 DEFINITIONS.

SEC. 10-3.860 APPLICATION.

SEC. 10-3.895 AVOIDANCE OF ECONOMIC DISPLACEMENT.

SEC. 10-3.905 RESIDENT ORGANIZATION CONDITIONS, COVENANTS AND RESTRICTIONS.

SEC. 10-3.910 FINDINGS.

SEC. 10-3.915 TENANT NOTIFICATION.

Section 2. Severance. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 3. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective 30 days from and after the date of its adoption.

Introduced at a meeting of the Hayward City Council held April 22, 2008, the above-entitled ordinance was introduced by Council Member Halliday and by unanimous vote of the Council.

This ordinance will be considered for adoption at the next meeting of the Hayward City Council, to be held on April 29, 2008, at 8:00 p.m., in the Council Chamber, 777 B Street, Hayward, California. The full text of this ordinance is available for examination by the public in the Office of the City Clerk.

DATED: April 26, 2008

Angelina Reyes, City Clerk
City of Hayward