

ORDINANCE NO. 2268

AN ORDINANCE OF THE CITY OF CHULA VISTA ADDING CHAPTER 9.60 TO TITLE 9 OF THE CHULA VISTA MUNICIPAL CODE RELATING TO THE SALE OF MOBILEHOME PARKS

WHEREAS, a large percentage of the residents of mobilehome parks are retired and on fixed incomes, and

WHEREAS, residents of mobilehome parks have sometimes been faced with a difficult choice between paying escalated land rents, or making a forced relocation due to economic hardship or upon the sale or closure of their mobilehome park, and

WHEREAS, mobilehome park spaces within the City are in limited supply for relocation purposes, and

WHEREAS, conversion to resident ownership of the mobilehome park should enable tenants to better control their own financial destiny by eliminating the possibility of future rent increases without, at the same time, sacrificing the economic value of the park to the mobilehome park owner, and

WHEREAS, it is socially desirable to prevent the displacement of a large number of low income people.

NOW, THEREFORE, the City Council of the City of Chula Vista ordains as follows:

SECTION I: That Chapter 9.60 is hereby added to Title 9 of the Chula Vista Municipal Code to read as follows:

Chapter 9.60 Sale of Mobilehome Parks.

Sec. 9.60.010 Definitions.

Unless the context otherwise requires, the terms defined herein shall for all purposes pertaining to this section have the meanings defined herein:

- A. "Mobilehome" shall mean a structure designed for human habitation and being moved on a street or highway under permit pursuant to Vehicle Code Section 35790.
- B. "Mobilehome owner" or "homeowner" shall mean a person who has a tenancy in a mobilehome park under a rental agreement.

- C. "Mobilehome park" or "park" is an area of land where five or more mobilehome sites are rented, or held out for rent, to accommodate mobilehomes used for human habitation.
- D. "Mobilehome park owner" means the owner of a mobilehome park or an agent or representative authorized to act on his behalf in connection with matters relating to a tenancy in the park.
- E. "Tenancy" is the right of a mobilehome owner to use of a site within a mobilehome park on which to locate, maintain and occupy a mobilehome, site improvements, and accessory structures for human habitation, including the use of the services and facilities of the park.
- F. "Notify" means the placing of a notice in the United States mail addressed to the mobilehome owners at the mobilehome owners' address within the park or as otherwise known to the park owner. Each such notice shall be deemed to be given upon the deposit of the notice in the United States mail.
- G. "Offer" means any solicitation by the mobilehome park owner to the general public.
- H. "Resident organization" means any organization formed pursuant to Health and Safety Code Section 50561.

Sec. 9.60.020 Mobilehome Owners Right to Purchase.

- A. Any resident organization entitled to notice of a listing of mobilehome park for sale or notice of any offer to sell the park to any party, pursuant to Civil Code Section 798.80, shall have the right to purchase the park, provided the resident organization meets the price and terms and conditions of a purchase offer acceptable to the mobilehome park owner. The resident organization shall have the right to purchase the park by executing a contract with the mobilehome park owner within 45 days, unless agreed to otherwise, from the date that a notice required by Civil Code Section 798.80 has been delivered by first class mail or personal delivery to the president, secretary and treasurer of the resident organization. In the event that less than the entire mobilehome park is offered for sale or an acceptable offer to purchase less than the entire

mobilehome park is received, the resident organization shall have the right to purchase a portion of the park for a period of 90 days, unless agreed to otherwise, from the date of mailing to the resident organization a notice of the receipt of an acceptable offer to purchase a portion of the park. If a contract between the mobilehome park owner and the resident organization is not executed within the specified period, his only obligation shall be as set forth in subsection B below, unless the mobilehome park owner thereafter elects to accept a counter offer to the noticed offer, at a price lower than the price specified in the notice to the resident organization.

- B. If the mobilehome park owner thereafter elects to accept an offer at a lower price and/or under different terms and conditions than the price or terms and conditions as specified in his notice to the resident organization, the resident organization will have an additional 15 days to meet the price and terms and conditions of the mobilehome park owner by executing a contract.

Sec. 9.60.030 Exemption.

- A. Any sale or other transfer by a park owner who is a natural person to any relation specified in Probate Code Section 6402.
- B. Any transfer by gift, devise, or operation of law.
- C. Any transfer by a corporation to an affiliate. As used in this paragraph, "affiliate" means any shareholder of the transferring corporation, any corporation or entity owned or controlled, directly or indirectly, by the transferring corporation, or any other corporation or entity controlled, directly or indirectly, by any shareholder of the transferring corporation.
- D. Any transfer by a partnership to any of its partners.
- E. Any conveyance resulting from the judicial or nonjudicial foreclosure of a mortgage or deed of trust encumbering a mobilehome park or any deed given in lieu of such a foreclosure.
- F. Any sale or transfer between or among joint tenants or tenants-in-common owning a mobilehome park.
- G. The purchase of a mobilehome park by a government entity under its powers of eminent domain.

Sec. 9.60.040 Mobilehome Park Owner Affidavit of Compliance.

- A. A mobilehome park owner may, at any time, record in the official records of the county where a mobilehome park is situated, an affidavit in which he or she certifies that:
1. With reference to an offer by him or her for the sale of such park, he or she has complied with the provisions of this chapter.
 2. With reference to an offer received by him or her for the purchase of such park, or with reference to a counter offer which he or she intends to make, or has made for the sale of such park, he or she has complied with the provisions of this chapter.
 3. Notwithstanding his compliance with the provisions of Section 9.60.020 hereof, no contract has been executed of the sale of such park between the owner and the resident organization.
 4. The provisions of Section 9.60.020 hereof are inapplicable to a particular sale or transfer of such park by him, and compliance with the provisions of this section is not required.
 5. A particular sale or transfer of such park is exempted from the provisions of this section.
- B. Any party acquiring an interest in a mobilehome park, and any and all title insurance companies and attorneys preparing, furnishing or examining any evidence of title, have the absolute right to rely on the truth and accuracy of all statements appearing in such affidavit and are under no obligation to inquire further as to any matter or fact relating to the park owner's compliance with the provisions herein.
- C. It is the purpose and intention of this section to preserve the marketability of title to mobilehome parks, and, accordingly, the provisions of this section shall be liberally construed in order that all persons may rely on the record title to mobilehome parks.

Sec. 9.60.050 Judicial Rights.

- A. A resident organization entitled to the right to purchase the mobilehome park which is not provided such right shall be entitled to such equitable relief and/or damages for such failure as deemed appropriate by a court of competent jurisdiction.

SECTION II: Severability. The provisions of this ordinance are separable, and the invalidity of any phrase, clause or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION III: This ordinance shall take effect and be in full force on the thirty-first day from and after its adoption.

Presented by and Approved as to form by



D. Richard Rudolf, Assistant City Attorney

3571a

FIRST READ AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA, CALIFORNIA, HELD May 3, 19 88, AND FINALLY PASSED AND ADOPTED AT A REGULAR MEETING THEREOF HELD May 10, 19 88, BY THE FOLLOWING VOTE, TO-WIT:

YES: Councilmen McCandliss, Nader, Moore
AYES: Councilmen Cox
ABSTAIN: Councilmen None
ABSENT: Councilmen Malcolm

Gregory R. Cox
Mayor of the City of Chula Vista

TESTED Jennie M. Fulasz
City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.
CITY OF CHULA VISTA)

I, JENNIE M. FULASZ, CMC, CITY CLERK of the City of Chula Vista, California, DO HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of ORDINANCE NO. 2268, and that the same has not been amended or repealed.

DATED _____



City Clerk