

(O-88-39)

ORDINANCE NUMBER O- 16982 (NEW SERIES)

ADOPTED ON NOV 23 1987

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1,
DIVISION 10, OF THE SAN DIEGO MUNICIPAL CODE
BY ADDING SECTION 101.1003 RELATING TO SALE OF
MOBILEHOME PARKS.

WHEREAS, City of San Diego's adopted Housing Element, 1986,
contains housing policy statements to encourage the conversion of
mobilehome parks to resident ownership; and

WHEREAS, The City of San Diego has recently been requested by
mobilehome park residents to provide a more expedient means for
mobilehome park residents to purchase mobilehome park spaces; 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;
NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as
follows:

Section 1. That Chapter X, Article 1, Division 10, of the
San Diego Municipal Code be and the same is hereby amended by
adding Section 101.1003 to read as follows:

SEC. 101.1003 SALE OF MOBILEHOME PARKS

A. DEFINITIONS

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

1. "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.

2. "Mobilehome owner" or "homeowner" shall mean a person who has a tenancy in a mobilehome park under a rental agreement.

3. "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.

4. "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.

5. "Tenancy" is the right of a mobilehome owners 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.

0-16982

6. "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.

7. "Offer" means any solicitation by the mobilehome park owner to the general public.

8. "Resident organization" means any organization formed pursuant to Health & Safety Code Section 50561.

B. MOBILEHOME OWNERS' RIGHT TO PURCHASE

1. Any resident organization entitled to notice of a listing of a mobilehome park for sale, 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 of an acceptable offer to purchase the park 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.2. 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.

2. 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.

C. EXEMPTION

This section does not apply to:

1. Any sale or other transfer by a park owner who is a natural person to any relation specified in Probate Code Section 6402.

2. Any transfer by gift, devise, or operation of law.

3. 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.

4. Any transfer by a partnership to any of its partners.

5. 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.

6. Any sale or transfer between or among joint tenants or tenants-in-common owning a mobilehome park.

7. The purchase of a mobilehome park by a governmental entity under its powers of eminent domain.

D. MOBILEHOME PARK OWNER AFFIDAVIT OF COMPLIANCE

1. 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 certified that:

a. With reference to an offer by him for the sale of such park, he has complied with the provisions of this section.

b. With reference to an offer received by him for the purchase of such park, or with reference to a counter offer which he intends to make, or has made for the sale of such park, he has complied with the provisions of this section.

c. Notwithstanding his compliance with the provisions of subsection B. hereof, no contract has been executed of the sale of such park between himself and the resident organization.

2. The provisions of subsection B. 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.

3. A particular sale or transfer of such park is exempted from the provisions of this section.

a. 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.

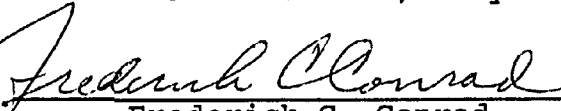
b. It is the purpose and intention of subsection D. hereof to preserve the marketability of title to mobilehome parks, and, accordingly, the

provisions of subsection D. shall be liberally construed in order that all persons may rely on the record title to mobilehome parks.

E. 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 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By 
Frederick C. Conrad
Chief Deputy City Attorney

FCC:cc:600
09/02/87
Or.Dept:Plan.
O-88-39
Form=o.code

NOV 23 1987

Passed and adopted by the Council of The City of San Diego on.....
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
District 4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Celia Ballesteros	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Vacant

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By *Ellen Board* Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

NOV 10 1987, and on NOV 23 1987

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By *Ellen Board* Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-16982 Adopted NOV 23 1987

Ordinance O-16982 (11/23/1987)

The Certificate of Publication was unavailable at the
time of filming.

(12/29/1987)