

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

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November 18, 2024

Albert Lopez, Planning Director
County of Alameda
224 W. Winton Avenue, Rm 111
Hayward, CA 94544

Dear Albert Lopez:

RE: Mobilehome Parks – Protection from Conversion – Letter of Technical Assistance

The California Department of Housing and Community Development (HCD) commends efforts by the County of Alameda (County) to protect mobilehome parks from conversion to other uses. The purpose of this letter is to ensure the County and other stakeholders, including current mobilehome park owners and prospective mobilehome park buyers, are aware of key requirements under state law relevant to conversion of mobilehome parks to other uses.

Background

HCD understands that the County is in the process of developing a Mobilehome Park Overlay and Conversion Ordinance “to preserve land for the construction, use and occupancy of mobilehome parks.”¹ Such an ordinance is proposed in Program 6.N of the County’s August 2024 draft housing element.² HCD applauds the County’s efforts to protect this important and unique type of affordable housing.

HCD further understands that the Paradise Trailer Court, located at 16115 East 14th Street, San Leandro, has been listed for sale and described by the seller as a “Huge Infill Redevelopment Opportunity.”³ Any entity that purchases this, or any other,

¹ Staff Report to Castro Valley Municipal Advisory Council, September 23, 2024, available at https://www.acgov.org/board/bos_calendar/documents/CDAMeetings_09_23_24/1%20MobileHomePark.pdf.

² County of Alameda Third Draft Housing Element, available at https://www.acgov.org/cda/planning/housing-element/documents/Alameda-County_FINAL-Main-Body.pdf.

³ Sales listing, available at <https://www.loopnet.com/Listing/16115-E-14th-St-San-Leandro-CA/30287619/>.

mobilehome park with the intent of converting the park to another use must comply with all relevant state law. State law also includes responsibilities for the local jurisdiction regarding mobilehome park conversions.

Two key state laws that impact mobilehome park conversions are the Mobilehome Residency Law⁴ (MRL) and the Housing Crisis Act⁵ (HCA).

Mobilehome Residency Law

MRL includes noticing requirements that must be met by park management prior to termination of a tenancy, including for change of use of the park or any portion thereof.⁶ MRL also requires that local agencies inform any developers applying to convert a mobilehome park to another use of these notice requirements, and not take any action until they have “satisfactorily verified” the developer has actually served proper notice on residents and mobilehome owners.⁷

Further, MRL requires that, prior to a mobilehome park being closed, converted, or no longer used as a mobilehome park, the applicant must file a report on the impact of the conversion, closure, or cessation of use. The report “shall include a replacement and relocation plan that adequately mitigates the impact upon the ability of the displaced residents of the mobilehome park to be converted or closed to find adequate housing in a mobilehome park.”⁸

Notably, MRL requires that “[i]f a displaced resident cannot obtain adequate housing in another mobilehome park, the person or entity proposing the change of use shall pay to the displaced resident the in-place market value of the displaced resident’s mobilehome.”⁹

Finally, MRL imposes responsibilities on and grants powers to the relevant legislative body to protect persons potentially displaced by a mobilehome park conversion. Before approving any change in use, the legislative body must review the report and “make a finding as to whether or not approval of the park closure and the park’s conversion into its intended new use, taking into consideration both the impact report as a whole and the overall housing availability within the local jurisdiction, will result in or materially contribute to a shortage of housing opportunities and choices for low- and moderate-income households within the local jurisdiction.”¹⁰ In addition, the legislative body “may

⁴ Civil Code, § 798 et seq. and Gov. Code §§ 65863.7, 65863.8.

⁵ Gov. Code, § 66300 et seq.

⁶ Civil Code, § 798.56, subds. (g), (h).

⁷ Gov. Code, § 65863.8.

⁸ Gov. Code, § 65863.7, subd. (a)(1).

⁹ Gov. Code, § 65863.7, subd. (a)(2)(A).

¹⁰ Gov. Code, § 65863.7, subd. (e)(1)(B).

require, as a condition of the change, the person or entity proposing the change in use 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.”¹¹

Housing Crisis Act

The replacement and relocation provisions of the HCA¹² state that an affected county¹³ shall not approve certain development projects that involve demolition of housing units unless certain requirements are satisfied. A change in use that would result in demolition of a mobilehome park would trigger those requirements. The requirements vary based on the type of proposed development and the status of the demolished units; those different circumstances are italicized in the text below. Specific provisions include:

- *A housing development project* that requires the demolition of one or more *residential dwelling units* must create at least as many residential dwelling units as will be demolished.¹⁴
- *A development project* (whether or not it is a housing development project) that will require the demolition of occupied or vacant *protected units*, or that is located on a site where *protected units* were demolished in the previous five years, must:
 - Replace all such protected units.¹⁵ Protected units include residential dwelling units that are or were rented by lower- or very low-income households within the past five years.¹⁶
 - Allow any existing occupants to occupy their units until six months before the start of construction and provide notice at least six months in advance of the date occupants must vacate.¹⁷
 - Provide existing occupants of protected units that are lower-income households:
 - Relocation benefits that are equivalent to the relocation benefits required to be paid by public entities pursuant to Relocation Assistance Law (Gov. Code, § 7260 et seq.).¹⁸

¹¹ Gov. Code, § 65863.7, subd. (e)(2).

¹² Gov. Code, §§ 66300.5, 66300.6.

¹³ HCD maintains a list of affected counties subject to these provisions. The list, which includes Alameda County, is available at <https://www.hcd.ca.gov/planning-and-community-development/statutory-determinations>.

¹⁴ Gov. Code, § 66300.6, subd. (a).

¹⁵ Gov. Code, § 66300.6, subd. (b)(1)(A).

¹⁶ Gov. Code, § 66300.5, subd. (h)(3).

¹⁷ Gov. Code, § 66300.6, subd. (b)(3)(A).

¹⁸ Gov. Code, § 66300.6, subd. (b)(4)(A).

- A right of first refusal for a comparable unit available in the new housing development, or in any required replacement units associated with a new development that is not a housing development, affordable to the household at an affordable rent or an affordable housing cost.¹⁹
- Notably, replacement units must comply with additional requirements:
 - They must provide at least the same number of units of equivalent size (at least the same total number of bedrooms) at affordable rent or affordable housing cost to, and occupied by, households of the same or lower income category as those currently or formerly in occupancy.
 - If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to an equity sharing agreement.²⁰

Occupied mobile homes and mobile home rental pads that have been occupied by a mobile home within the last five years are subject to the replacement provisions of the HCA.

Conclusion

HCD appreciates the opportunity to provide technical assistance to the County. If you have any questions regarding the content of this letter or would like additional technical assistance, please contact Stephanie Reyes at Stephanie.Reyes@hcd.ca.gov.

Sincerely,



Shannan West
Housing Accountability Unit Chief

¹⁹ Gov. Code, § 66300.6, subd. (b)(4)(B).

²⁰ Gov. Code, § 65915, subd. (c)(3)(b).