

313-113.2 SPECIAL OCCUPANCY PARK CONVERSION (Coastal)

113.2.1 **Purpose.** The purpose of the Special Occupancy Park Conversion procedure is to ensure that any conversion of special occupancy parks which include spaces for permanent recreational vehicles to other uses is preceded by adequate notice, that the social and fiscal impacts of the proposed conversion are adequately defined prior to consideration of the proposed conversion, and that relocation and other assistance is provided to permanent recreational vehicle residents when warranted.

113.2.2 **Applicability .** This Chapter applies to applications for closure of special occupancy parks which include spaces for permanent recreational vehicles. Reasons for closure may include conversion to another land use and/or financial considerations of the park owner.

113.2.3 **Definitions .** The below definitions pertain to Section 113.2.1.

113.2.3.1 “Applicant” means a person or entity who has filed an application for change of use of a special occupancy park which includes spaces for permanent recreational vehicles.

113.2.3.2 “Change of use” includes closure, cessation or change of use of the park. It means the use of the park for a purpose other than the rental, or the holding out for rent, of two or more permanent recreational vehicle sites to accommodate mobilehomes used for human habitation, and does not mean the adoption, amendment, or repeal of a park rule or regulation. A change of use may affect an entire park or any portion thereof. “Change of use” includes, but is not limited to, a change of the park or any portion thereof to a condominium, stock cooperative, planned unit development, or any form of ownership wherein spaces within the park are sold.

113.2.3.3 “Special occupancy park closure” includes any closure, cessation or change of use of the park as described in Section 113.2.3.2. A closure includes ceasing to rent recreational vehicle lots for permanent human habitation and the cessation of use would result in the displacement of recreational vehicle park residents, or when 25 percent or more of the recreational vehicle units or lots within a park become vacant.

113.2.3.4 “Eligible recreational vehicle resident” or “permanent resident” means a permanent recreational vehicle resident whose recreational vehicle was located in a special occupancy park on the date of an application for change of use. Eligible recreational vehicle resident includes the spouse, parents, children and grandchildren of the eligible permanent vehicle resident when those persons resided in the recreational vehicle on the date of the application.

113.2.3.5 “Legal owner” means any person or entity having an ownership interest in a permanent recreational vehicle other than the registered owner, such as a lender or mortgagor.

113.2.3.6 “Permanent recreational vehicle” means recreational vehicles that continuously occupy a space within a special occupancy park for nine months or more.

113.2.3.7 “Recreational vehicle owner” means the registered owner or registered owners of a permanent recreational vehicle, regardless of the number of such owners or the form of such ownership.

113.2.3.8 “Special occupancy park owner” or “park owner” means the person, persons or entity that owns a special occupancy park and includes any person authorized by the park owner to seek approval of an application for change of use.

113.2.3.9 “Recreational vehicle renter” or “renter” is a person who occupies a permanent recreational vehicle within a special occupancy park pursuant to a bona fide lease or rental agreement and who, during his or her tenancy, was not the owner of that recreational vehicle.

- 113.2.4 **Permit Requirements for a Change of Use.** The conversion of an existing special occupancy park with spaces for permanent recreational vehicles to another use shall require a special permit to be reviewed and approved by the Planning Commission.
- 113.2.5 **Relocation Impact Report** . An application for a special permit for a conversion of an existing recreational vehicle park with spaces for permanent recreational vehicles to another use shall include a relocation impact report (RIR) with all the following information.
- 113.2.5.1 A general description of any proposed change of use, or change without new use;
- 113.2.5.2 A timetable for conversion of the park;
- 113.2.5.3 A legal description of the park;
- 113.2.5.4 The number of permanent recreational vehicle spaces in the park, length of occupancy by the current occupant of each space and current rental rate for each space;
- 113.2.5.5 The date of manufacture and size of each recreational vehicle, description of outbuildings and accessory structures construction on the lots and the cost to move them;
- 113.2.5.6 The name and mailing address of each eligible permanent recreational vehicle tenant, permanent recreational vehicle resident, permanent resident recreational vehicle owner and legal owner of a permanent recreational vehicle in the park;
- 113.3.5.7 A list of comparable special occupancy parks with permanent recreational vehicle spaces within a thirty mile radius of the applicant's special occupancy park. For each comparable park, the list should, if possible, state the criteria of that park for accepting relocated recreational vehicles, rental rates and the name, number and size of spaces, address and telephone number of the park representative having authority to accept relocated recreational vehicles, including any written commitments from recreational vehicle park owners willing to accept displaced recreational vehicles;
- 113.2.5.8 The rental rates and moving costs involved in moving to an apartment or other rental unit within a reasonable distance including, but not limited to, fees charged by moving companies and any requirement for payment of the first and last month's rent and security deposits;
- 113.2.5.9 Estimates as to the minimum cost of moving each permanent recreational vehicle, including tear-down and set-up of recreational vehicles and moving of improvements such as porches, carports, patios and other moveable amenities installed by the residents;
- 113.2.5.10 An appraisal conducted by a qualified appraiser. The appraisals shall identify those permanent recreational vehicles which cannot be moved due to type, age or other considerations. Appraisal information shall be provided on the effect upon the investment in the recreational vehicle, such as the change in value of effected recreational vehicles that would result from the proposed change in use.
- 113.2.5.11 Identification of a qualified relocation specialist to assist residents in finding relocation spaces and alternate housing;
- 113.2.5.12 A Relocation Plan for permanent recreational vehicles as specified in Section 113.2.7 below.

113.2.6 **Notice Requirements** . The following notice requirements are in addition to any notice regularly required for special permits. The applicant shall verify that a good faith effort has been made to ensure that each permanent recreational vehicle owner and tenant has received or will receive each of the following notices and documents. No hearing on a proposed special occupancy park closure shall be scheduled until the applicant has provided verification of notification.

113.2.6.1 Notice of Intent. A Notice of Intent by the applicant to convert or close the recreational vehicle park shall be sent by the applicant to all permanent recreational vehicle owners and tenants by certified mail at least 60 days prior to submittal of the special permit application to the County.

113.2.6.2 Written Notice & Relocation Impact Report. A written notice, in addition to the regular public hearing notice shall be delivered at least 15 days before the scheduled application for a special permit, informing all permanent recreational vehicle owners and tenants that the applicant will be appearing before the Planning Commission to request permits for a change of use of the special occupancy park. A copy of the Relocation Impact Report shall be included with this notice.

113.2.6.3 Notice of termination of tenancy. The applicant shall provide all permanent recreational vehicle owners and tenants proposed to be displaced a written "notice of termination of tenancy" that provides the affected residents or owners a minimum of six months' notice to vacate following the effective date of the approved special permit. The notice shall be sent by certified mail to each permanent recreational vehicle owner and tenant within 10 calendar days following the effective date of the approved special permit.

113.2.7 **Conditions of Approval.** Approval of a special permit shall include reasonable conditions of approval which shall not exceed the reasonable costs as set forth in this ordinance. Recreational vehicle owners who are not permanent residents are not eligible for relocation benefits. The special permit shall identify relocation options for each displaced permanent recreational vehicle occupant in a Relocation Plan, as follows:

113.2.7.1 Relocation assistance for permanent recreational vehicle owners whose vehicles can be relocated. The applicant shall pay all costs related to moving the permanent recreational vehicle, fixtures, and accessories to comparable special occupancy park within a reasonable distance. Relocation shall include moving costs, utility hook-up fees, moving of the permanent recreational vehicle resident's possessions, any move-in deposit and the reasonable housing expenses for displaced permanent recreational vehicle residents for a period not exceeding 30 days from the date of actual displacement until the date of occupancy at the new site. The comparable special occupancy park, or permanent recreational vehicle owner-approved receiving site, and the relocated recreational vehicle shall conform to all applicable Federal, State, and County regulations. In addition, the applicant shall provide displaced permanent recreational vehicle owners with the payment of a lump sum equal to the difference of rent between the old and new permanent recreational vehicle park spaces for a period of 12 months, if the new rent exceeds the old rent.

113.2.7.2 Relocation assistance for permanent recreational vehicle owners whose recreational vehicles cannot be relocated. In cases in which it is not feasible to relocate the permanent recreational vehicle to a comparable special occupancy park, including those in which the condition of the permanent recreational vehicle is such that it cannot be safely relocated, or where the recreational vehicle does not meet minimum requirements to be accepted into another special occupancy park, the applicant shall provide the following relocation assistance to each permanent recreational vehicle owner who is also a permanent resident:

113.2.7.2.1 The applicant shall be required to pay for the fair-market value of the

recreational vehicle and the cost of disposal of the permanent recreational vehicle in an approved facility; and

113.2.7.2.2 Each displaced permanent recreational vehicle household will received a lump sum difference between current space rent and rent for a housing unit of a size appropriate, according to California Health and Safety code Section 50052.5 (h), to accommodate the displaced household for a period of 12 months. Lump sum funds due the resident may be paid directly to the new park owner as pre-paid rent upon request by the displaced household.

113.2.7.3 Relocation Counselor. The applicant shall offer to provide to all displaced permanent recreational vehicle owners and residents the services of a Relocation Counselor to provide information about the available housing resources and to assist with the selection of suitable relocation alternatives.

113.2.7.5.1 The Relocation Counselor shall be familiar with the region's housing market and qualified to assist residents to evaluate, select, and secure placement in the replacement housing, to arrange the moving of all of the household's personal property, and to render financial advice on qualifying for various housing types.

113.2.7.5.2 No later than 30 calendar days after the issuance of the special permit for the recreational vehicle park closure, the Relocation Counselor shall make personal contract with each displaced resident of the permanent recreational vehicles and commence to determine the applicable relocation costs and assistance to be provided. The relocation Counselor shall give to each person eligible to receive relocation assistance a written notice of his or her options for relocation assistance as determined by the special permit.

113.2.8 **Vacancy of Special Occupancy Park of 25 Percent or More.**

113.2.8.1 Whenever 25 percent or more of the total number of permanent recreational vehicle sites within a special occupancy park containing spaces for permanent recreational vehicles are uninhabited for more than 90 consecutive days, and such condition was not caused by a natural or physical disaster beyond the control of the special occupancy park owner, then such condition shall be deemed a "special occupancy park closure" for the purposes of this ordinance. The special occupancy park owner shall file an application for the special occupancy park closure, in compliance with this Section. A permanent recreational vehicle site is considered to be "uninhabited" when no rent is being paid for use of the site and it is either (i) unoccupied by a recreational vehicle or (ii) occupied by a recreational vehicle in which no person resides.

113.2.8.2 A permanent recreational vehicle resident or other interested party who has reason to believe that 25% or more of the total number of the permanent recreational vehicle sites within special occupancy park are uninhabited may file a written statement to that effect with the Director of Planning and Building. The Director or his designee shall investigate and make a determination as to whether an unauthorized special occupancy park closure is underway. Once the Director determines whether an unauthorized special occupancy park closure is underway, a written notice that describes such determination shall be sent by the County to the special occupancy park owner, special occupancy park manager, and the person who filed the written complaint.

113.2.9 **Request for Exemption from Relocation Assistance Requirements.**

113.2.9.1 Any person who files an application for a special permit for the closure of a special occupancy park may, simultaneous with and as part of the filing of such application, request an exemption from some or all of the relocation assistance requirements described above in Section 113.2.7 (Conditions of Approval). The request shall be processed in conjunction with the application for the special permit, and shall be

distributed to each permanent recreational vehicle owner and tenant at the time of application submittal, as specified in Section 113.2.6.2.

113.2.9.2 The applicant may request an exemption if the relocation assistance required exceeds the reasonable costs of relocation for displaced permanent recreational vehicle park residents, or as part of bankruptcy the court has taken action that would prohibit or preclude the payment of relocation assistance benefits, in whole or in part.

113.2.9.3 Any request for exemptions submitted in compliance with this section shall contain at a minimum, the following information:

113.2.9.3.1 Statements of profit and loss from operations of the special occupancy park for the five-year period immediately preceding the date of the application of exemption, certified by a certified public accountant. All such statements shall be maintained in confidence to the extent permitted by the California Public Records Act.

113.2.9.3.2 An estimate of the total cost of relocation assistance which would be required in compliance with Section 113.2.7 (Conditions of Approval). This estimate shall be based on surveys, appraisals and reports that document the number of residents of the park who are able to relocate their permanent recreational vehicles and those who would sell their permanent recreational vehicles, and the costs related to providing the relocation assistance.

113.2.9.3.3 If the applicant contends that continued use of the property as a special occupancy park necessitates repairs and/or improvements that are not the result of the park owner or applicant's negligence or failure to properly maintain the said property, and that the costs thereof makes continuation of the special occupancy park economically infeasible, then the report shall include a report by a civil engineer or licenses general contractor outlining the costs.

113.2.9.3.4 If the proposed closure is due to conversion of the land to another use an estimate of the value of the special occupancy park, an estimate of the value as is, and estimate of value after the change will be required. These estimates shall be prepared by a certified real estate appraiser.

113.2.9.3.5 Any request for exemption filed pursuant to Subsection 113.2.9.1, above, shall be accompanied by adequate documentation regarding the title, case number, and court in which the bankruptcy proceeding was held, and copies of all pertinent judgments, orders and decrees of the said court.

113.2.9.4 Where a court has determined in connection with a proceeding in bankruptcy that the closure or cessation of the use of said property as a special occupancy park is necessary, and such court has taken action which would prohibit or preclude payment of relocation benefits, whether in whole or in part, the Commission shall have the authority to waive all or a portion of any type of benefit to the extent necessary to comply with the judgment, order, or decree of the court.

314-113.2 SPECIAL OCCUPANCY PARK CONVERSION (Inland)

113.2.1 **Purpose.** The purpose of the Special Occupancy Park Conversion procedure is to ensure that any conversion of special occupancy parks which include spaces for permanent recreational vehicles to other uses is preceded by adequate notice, that the social and fiscal impacts of the proposed conversion are adequately defined prior to consideration of the proposed conversion, and that relocation and other assistance is provided to permanent recreational vehicle residents when warranted.

113.2.2 **Applicability .** This Chapter applies to applications for closure of special occupancy parks which include spaces for permanent recreational vehicles. Reasons for closure may include conversion to another land use and/or financial considerations of the park owner.

113.2.3 **Definitions .** The below definitions pertain to Section 113.2.1.

113.2.3.1 “Applicant” means a person or entity who has filed an application for change of use of a special occupancy park which includes five or more spaces for permanent recreational vehicles.

113.2.3.2 “Change of use” includes closure, cessation or change of use of the park. It means the use of the park for a purpose other than the rental, or the holding out for rent, of two or more permanent recreational vehicle sites to accommodate mobilehomes used for human habitation, and does not mean the adoption, amendment, or repeal of a park rule or regulation. A change of use may affect an entire park or any portion thereof. “Change of use” includes, but is not limited to, a change of the park or any portion thereof to a condominium, stock cooperative, planned unit development, or any form of ownership wherein spaces within the park are sold.

113.2.3.3 “Special occupancy park closure” includes any closure, cessation or change of use of the park as described in Section 113.2.3.2. A closure includes ceasing to rent recreational vehicle lots for permanent human habitation and the cessation of use would result in the displacement of recreational vehicle park residents or when 25 percent or more of the recreational vehicle units or lots within a park become vacant.

113.2.3.4 “Eligible recreational vehicle resident” or “permanent resident” means a permanent recreational vehicle resident whose recreational vehicle was located in a special occupancy park on the date of an application for change of use. Eligible resident includes the spouse, parents, children and grandchildren of the eligible resident when those persons resided in the recreational vehicle on the date of the application.

113.2.3.5 “Legal owner” means any person or entity having an ownership interest in a permanent recreational vehicle other than the registered owner, such as a lender or mortgagor.

113.2.3.6 “Permanent recreational vehicle” means recreational vehicles that continuously occupy a space within a special occupancy park for nine months or more.

113.2.3.7 “Recreational vehicle owner” means the registered owner or registered owners of a permanent recreational vehicle, regardless of the number of such owners or the form of such ownership.

113.2.3.8 “Special occupancy park owner” or “park owner” means the person, persons or entity that owns a special occupancy park and includes any person authorized by the park owner to seek approval of an application for change of use.

113.2.3.9 “Recreational vehicle renter” or “renter” is a person who occupies a permanent recreational vehicle within a special occupancy park pursuant to a bona fide lease or rental agreement and who, during his or her tenancy, was not the owner of that recreational vehicle.

113.2.4 **Permit Requirements for a Change of Use.** The conversion of an existing special occupancy park with spaces for permanent recreational vehicles to another use shall require a special permit to be reviewed and approved by the Planning Commission.

113.2.5 **Relocation Impact Report** . An application for a special permit for a conversion of an existing recreational vehicle park with spaces for permanent recreational vehicles to another use shall include a relocation impact report (RIR) with all the following information.

113.2.5.1 A general description of any proposed change of use, or change without new use;

113.2.5.2 A timetable for conversion of the park;

113.2.5.3 A legal description of the park;

113.2.5.4 The number of permanent recreational vehicle spaces in the park, length of occupancy by the current occupant of each space and current rental rate for each space;

113.2.5.5 The date of manufacture and size of each recreational vehicle description of outbuildings and accessory structures construction on the lots and the cost to move them;

113.2.5.6 The name and mailing address of each eligible permanent recreational vehicle tenant, permanent recreational vehicle resident, permanent resident recreational vehicle owner and legal owner of a permanent recreational vehicle in the park;

113.2.5.7 A list of comparable special occupancy parks with permanent recreational vehicle spaces within a thirty mile radius of the applicant’s special occupancy park. For each comparable park, the list should, if possible, state the criteria of that park for accepting relocated recreational vehicles, rental rates and the name, number and size of spaces, address and telephone number of the park representative having authority to accept relocated recreational vehicles, including any written commitments from recreational vehicle park owners willing to accept displaced recreational vehicles;

113.2.5.8 The rental rates and moving costs involved in moving to an apartment or other rental unit within a reasonable distance including, but not limited to, fees charged by moving companies and any requirement for payment of the first and last month’s rent and security deposits;

113.2.5.9 Estimates as to the minimum cost of moving each permanent recreational vehicle, including tear-down and set-up of recreational vehicles and moving of improvements such as porches, carports, patios and other moveable amenities installed by the residents;

113.2.5.10 An appraisal conducted by a qualified appraiser. The appraisals shall identify those permanent recreational vehicles which cannot be moved due to type, age or other considerations. Appraisal information shall be provided on the effect upon the investment in the recreational vehicle, such as the change in value of effected recreational vehicles that would result from the proposed change in use.

113.2.5.11 Identification of a qualified relocation specialist to assist residents in finding relocation spaces and alternate housing;

113.2.5.12 A Relocation Plan for permanent recreational vehicles as specified in Section 113.2.7

below.

113.2.6 **Notice Requirements** . The following notice requirements are in addition to any notice regularly required for special permits. The applicant shall verify that a good faith effort has been made to ensure that each permanent recreational vehicle owner and tenant has received or will receive each of the following notices and documents. No hearing on a proposed special occupancy park closure shall be scheduled until the applicant has provided verification of notification.

113.2.6.1 Notice of Intent. A Notice of Intent by the applicant to convert or close the recreational vehicle park shall be sent by the applicant to all permanent recreational vehicle owners and tenants by certified mail at least 60 days prior to submittal of the special permit application to the County.

113.2.6.2 Written Notice & Relocation Impact Report. A written notice, in addition to the regular public hearing notice shall be delivered at least 15 days before the scheduled application for a special permit, informing all permanent recreational vehicle owners and tenants that the applicant will be appearing before the Planning Commission to request permits for a change of use of the special occupancy park. A copy of the Relocation Impact Report shall be included with this notice.

113.2.6.3 Notice of termination of tenancy. The applicant shall provide all permanent recreational vehicle owners and tenants proposed to be displaced a written "notice of termination of tenancy" that provides the affected residents or owners a minimum of six months' notice to vacate following the effective date of the approved special permit. The notice shall be sent by certified mail to each permanent recreational vehicle owner and tenant within 10 calendar days following the effective date of the approved special permit.

113.2.7 **Conditions of Approval**. Approval of a special permit shall include reasonable conditions of approval which shall not exceed the reasonable costs as set forth in this ordinance. Recreational vehicle owners who are not permanent residents are not eligible for relocation benefits. The special permit shall identify relocation options for each displaced permanent recreational vehicle occupant in a Relocation Plan, as follows:

113.2.7.1 Relocation assistance for permanent recreational vehicle owners whose vehicles can be relocated. The applicant shall pay all costs related to moving the permanent recreational vehicle, fixtures, and accessories to comparable special occupancy park within a reasonable distance. Relocation shall include moving costs, utility hook-up fees, moving of the permanent recreational vehicle resident's possessions, any move-in deposit and the reasonable housing expenses for displaced permanent recreational vehicle residents for a period not exceeding 30 days from the date of actual displacement until the date of occupancy at the new site. The comparable special occupancy park, or permanent recreational vehicle owner-approved receiving site, and the relocated recreational vehicle shall conform to all applicable Federal, State, and County regulations. In addition, the applicant shall provide displaced permanent recreational vehicle owners with the payment of a lump sum equal to the difference of rent between the old and new permanent recreational vehicle park spaces for a period of 12 months, if the new rent exceeds the old rent.

113.2.7.2 Relocation assistance for permanent recreational vehicle owners whose recreational vehicles cannot be relocated. In cases in which it is not feasible to relocate the permanent recreational vehicle to a comparable special occupancy park, including those in which the condition of the permanent recreational vehicle is such that it cannot be safely relocated, where the recreational vehicle does not meet minimum requirements to be accepted into another special occupancy park, or cases in which there are no available spaces at a special occupancy park within 30 miles, the applicant shall provide

the following relocation assistance to each permanent recreational vehicle owner who is also a permanent resident:

113.2.7.2.1 The applicant shall be required to pay for the fair-market value of the recreational vehicle and the cost of disposal of the permanent recreational vehicle in an approved facility; and

113.2.7.2.2 Each displaced permanent recreational vehicle household will received a lump sum difference between current space rent and rent for a housing unit of a size appropriate, according to California Health and Safety code Section 50052.5 (h), to accommodate the displaced household for a period of 12 months. Lump sum funds due the resident may be paid directly to the new park owner as pre-paid rent upon request by the displaced household.

113.2.7.3 Relocation Counselor. The applicant shall offer to provide to all displaced permanent recreational vehicle owners and residents the services of a Relocation Counselor to provide information about the available housing resources and to assist with the selection of suitable relocation alternatives.

113.2.7.3.1 The Relocation Counselor shall be familiar with the region's housing market and qualified to assist residents to evaluate, select, and secure placement in the replacement housing, to arrange the moving of all of the household's personal property, and to render financial advice on qualifying for various housing types.

113.2.7.3.2 No later than 30 calendar days after the issuance of the special permit for the recreational vehicle park closure, the Relocation Counselor shall make personal contract with each displaced resident of the permanent recreational vehicles and commence to determine the applicable relocation costs and assistance to be provided. The relocation Counselor shall give to each person eligible to receive relocation assistance a written notice of his or her options for relocation assistance as determined by the special permit.

113.2.8 Vacancy of Special Occupancy Park of 25 Percent or More.

113.2.8.1 Whenever 25 percent or more of the total number of permanent recreational vehicle sites within a special occupancy park containing spaces for permanent recreational vehicles are uninhabited for more than 90 consecutive days, and such condition was not caused by a natural or physical disaster beyond the control of the special occupancy park owner, then such condition shall be deemed a "special occupancy park closure" for the purposes of this ordinance. The special occupancy park owner shall file an application for the special occupancy park closure, in compliance with this Section. A permanent recreational vehicle site is considered to be "uninhabited" when no rent is being paid for use of the site and it is either (i) unoccupied by a recreational vehicle or (ii) occupied by a recreational vehicle in which no person resides.

113.2.8.2 A permanent recreational vehicle resident or other interested party who has reason to believe that 25% or more of the total number of the permanent recreational vehicle sites within special occupancy park are uninhabited may file a written statement to that effect with the Director of Planning and Building. The Director or his designee shall investigate and make a determination as to whether an unauthorized special occupancy park closure is underway. Once the Director determines whether an unauthorized special occupancy park closure is underway, a written notice that describes such determination shall be sent by the County to the special occupancy park owner, special occupancy park manager, and the person who filed the written complaint.

113.2.9 Request for Exemption from Relocation Assistance Requirements.

- 113.2.9.1 Any person who files an application for a special permit for the closure of a special occupancy park may, simultaneous with and as part of the filing of such application, request an exemption from some or all of the relocation assistance requirements described above in Section 113.2.7 (Conditions of Approval). The request shall be processed in conjunction with the application for the special permit, and shall be distributed to each permanent recreational vehicle owner and tenant at the time of application submittal, as specified in Section 113.2.6.2.
- 113.2.9.2 The applicant may request an exemption if the relocation assistance required exceeds the reasonable costs of relocation for displaced permanent recreational vehicle park residents, or as part of bankruptcy the court has taken action that would prohibit or preclude the payment of relocation assistance benefits, in whole or in part.
- 113.2.9.3 Any request for exemptions submitted in compliance with this section shall contain at a minimum, the following information:
- 113.2.9.3.1 Statements of profit and loss from operations of the special occupancy park for the five-year period immediately preceding the date of the application of exemption, certified by a certified public accountant. All such statements shall be maintained in confidence to the extent permitted by the California Public Records Act.
- 113.2.9.3.2 An estimate of the total cost of relocation assistance which would be required in compliance with Section 113.2.7 (Conditions of Approval). This estimate shall be based on surveys, appraisals and reports that document the number of residents of the park who are able to relocate their permanent recreational vehicles and those who would sell their permanent recreational vehicles, and the costs related to providing the relocation assistance.
- 113.2.9.3.3 If the applicant contends that continued use of the property as a special occupancy park necessitates repairs and/or improvements that are not the result of the park owner or applicant's negligence or failure to properly maintain the said property, and that the costs thereof makes continuation of the special occupancy park economically infeasible, then the report shall include a report by a civil engineer or licensed general contractor outlining the costs.
- 113.2.9.3.4 If the proposed closure is due to conversion of the land to another use an estimate of the value of the special occupancy park, an estimate of the value as is, and estimate of value after the change will be required. These estimates shall be prepared by a certified real estate appraiser.
- 113.2.9.3.5 Any request for exemption filed pursuant to Subsection 113.2.9.1, above, shall be accompanied by adequate documentation regarding the title, case number, and court in which the bankruptcy proceeding was held, and copies of all pertinent judgments, orders and decrees of the said court.
- 113.2.9.4 When making its determination as to whether to waive or modify a portion or all of any type of benefit that would otherwise be applicable, the Commission may take into account the financial history of the special occupancy park, its condition and the condition of the amenities and improvements thereon, the cost of any necessary repairs, improvements or rehabilitation of said park, the estimated costs of relocation, the fair market value of the property for any proposed alternative use, the fair market value of the property for continued use as a special occupancy park, and any other pertinent evidence requested or presented. The Commission shall expressly indicate in its decision any waiver and the extent thereof.
- 113.2.9.5 Where a court has determined in connection with a proceeding in bankruptcy that the closure or cessation of the use of said property as a special occupancy park is necessary,

and such court has taken action which would prohibit or preclude payment of relocation benefits, whether in whole or in part, the Commission shall have the authority to waive all or a portion of any type of benefit to the extent necessary to comply with the judgment, order, or decree of the court.

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113.2.2 **Applicability.** This Chapter applies to applications for closure of special occupancy parks which include spaces for permanent recreational vehicles. Reasons for closure may include conversion to another land use and/or financial considerations of the park owner.

113.2.3 **Definitions.** The below definitions pertain to this Section.

113.2.3.1 “Applicant” means a person or entity who has filed an application for change of use of a special occupancy park which includes spaces for permanent recreational vehicles.

113.2.3.2 “Change of use” includes closure, cessation or change of use of the park. It means the use of the park for a purpose other than the rental, or the holding out for rent, of two or more permanent recreational vehicle sites to accommodate mobilehomes used for human habitation, and does not mean the adoption, amendment, or repeal of a park rule or regulation. A change of use may affect an entire park or any portion thereof. “Change of use” includes, but is not limited to, a change of the park or any portion thereof to a condominium, stock cooperative, planned unit development, or any form of ownership wherein spaces within the park are sold.

113.2.3.3 “Special occupancy park closure” includes any closure, cessation or change of use of the park as described in Section 113.2.3.2. A closure includes ceasing to rent recreational vehicle lots for permanent human habitation and the cessation of use would result in the displacement of recreational vehicle park residents, or when 25 percent or more of the recreational vehicle units or lots within a park become vacant.

113.2.3.4 “Eligible recreational vehicle resident” or “permanent resident” means a permanent recreational vehicle resident whose recreational vehicle was located in a special occupancy park on the date of an application for change of use. Eligible recreational vehicle resident includes the spouse, parents, children and grandchildren of the eligible permanent vehicle resident when those persons resided in the recreational vehicle on the date of the application.

113.2.3.5 “Legal owner” means any person or entity having an ownership interest in a permanent recreational vehicle other than the registered owner, such as a lender or mortgagor.

113.2.3.6 “Permanent recreational vehicle” means recreational vehicles that continuously occupy a space within a special occupancy park for nine months or more.

113.2.3.7 “Recreational vehicle owner” means the registered owner or registered owners of a permanent recreational vehicle, regardless of the number of such owners or the form of such ownership.

113.2.3.8 “Special occupancy park owner” or “park owner” means the person, persons or entity that owns a special occupancy park and includes any person authorized by the park owner to seek approval of an application for change of use.

113.2.3.9 “Recreational vehicle renter” or “renter” is a person who occupies a permanent recreational vehicle within a special occupancy park pursuant to a bona fide lease or rental agreement and who, during his or her tenancy, was not the owner of that recreational vehicle.

113.2.4 **Permit Requirements for a Change of Use.** The conversion of an existing special occupancy park with spaces for permanent recreational vehicles to another use shall require a special permit to be reviewed and approved by the Planning Commission.

113.2.5 **Relocation Impact Report** . An application for a special permit for a conversion of an existing recreational vehicle park with spaces for permanent recreational vehicles to another use shall include a relocation impact report (RIR) with all the following information.

113.2.5.1 A general description of any proposed change of use, or change without new use;

113.2.5.2 A timetable for conversion of the park;

113.2.5.3 A legal description of the park;

113.2.5.4 The number of permanent recreational vehicle spaces in the park, length of occupancy by the current occupant of each space and current rental rate for each space;

113.2.5.5 The date of manufacture and size of each recreational vehicle, description of outbuildings and accessory structures construction on the lots and the cost to move them;

113.2.5.6 The name and mailing address of each eligible permanent recreational vehicle tenant, permanent recreational vehicle resident, permanent resident recreational vehicle owner and legal owner of a permanent recreational vehicle in the park;

113.3.5.7 A list of comparable special occupancy parks with permanent recreational vehicle spaces within a thirty mile radius of the applicant’s special occupancy park. For each comparable park, the list should, if possible, state the criteria of that park for accepting relocated recreational vehicles, rental rates and the name, number and size of spaces, address and telephone number of the park representative having authority to accept relocated recreational vehicles, including any written commitments from recreational vehicle park owners willing to accept displaced recreational vehicles;

113.2.5.8 The rental rates and moving costs involved in moving to an apartment or other rental unit within a reasonable distance including, but not limited to, fees charged by moving companies and any requirement for payment of the first and last month’s rent and security deposits;

113.2.5.9 Estimates as to the minimum cost of moving each permanent recreational vehicle, including tear-down and set-up of recreational vehicles and moving of improvements such as porches, carports, patios and other moveable amenities installed by the residents;

113.2.5.10 An appraisal conducted by a qualified appraiser. The appraisals shall identify those permanent recreational vehicles which cannot be moved due to type, age or other considerations. Appraisal information shall be provided on the effect upon the investment in the recreational vehicle, such as the change in value of effected recreational vehicles that would result from the proposed change in use.

113.2.5.11 Identification of a qualified relocation specialist to assist residents in finding relocation spaces and alternate housing;

113.2.5.12 A Relocation Plan for permanent recreational vehicles as specified in Section 113.2.7 below.

113.2.6 **Notice Requirements** . The following notice requirements are in addition to any notice regularly required for special permits. The applicant shall verify that a good faith effort has been made to ensure that each permanent recreational vehicle owner and tenant has received or will receive each of the following notices and documents. No hearing on a proposed special occupancy park closure shall be scheduled until the applicant has provided verification of notification.

113.2.6.1 Notice of Intent. A Notice of Intent by the applicant to convert or close the recreational vehicle park shall be sent by the applicant to all permanent recreational vehicle owners and tenants by certified mail at least 60 days prior to submittal of the special permit application to the County.

113.2.6.2 Written Notice & Relocation Impact Report. A written notice, in addition to the regular public hearing notice shall be delivered at least 15 days before the scheduled application for a special permit, informing all permanent recreational vehicle owners and tenants that the applicant will be appearing before the Planning Commission to request permits for a change of use of the special occupancy park. A copy of the Relocation Impact Report shall be included with this notice.

113.2.6.3 Notice of termination of tenancy. The applicant shall provide all permanent recreational vehicle owners and tenants proposed to be displaced a written “notice of termination of tenancy” that provides the affected residents or owners a minimum of six months’ notice to vacate following the effective date of the approved special permit. The notice shall be sent by certified mail to each permanent recreational vehicle owner and tenant within 10 calendar days following the effective date of the approved special permit.

113.2.7 **Conditions of Approval.** Approval of a special permit shall include reasonable conditions of approval which shall not exceed the reasonable costs as set forth in this ordinance. Recreational vehicle owners who are not permanent residents are not eligible for relocation benefits. The special permit shall identify relocation options for each displaced permanent recreational vehicle occupant in a Relocation Plan, as follows:

113.2.7.1 Relocation assistance for permanent recreational vehicle owners whose vehicles can be relocated. The applicant shall pay all costs related to moving the permanent recreational vehicle, fixtures, and accessories to comparable special occupancy park within a reasonable distance. Relocation shall include moving costs, utility hook-up fees, moving of the permanent recreational vehicle resident’s possessions, any move-in deposit and the reasonable housing expenses for displaced permanent recreational vehicle residents for a period not exceeding 30 days from the date of actual displacement until the date of occupancy at the new site. The comparable special occupancy park, or permanent recreational vehicle owner-approved receiving site, and the relocated recreational vehicle shall conform to all applicable Federal, State, and County regulations. In addition, the applicant shall provide displaced permanent recreational vehicle owners with the payment of a lump sum equal to the difference of rent between the old and new permanent recreational vehicle park spaces for a period of 12 months, if the new rent exceeds the old rent.

113.2.7.2 Relocation assistance for permanent recreational vehicle owners whose recreational vehicles cannot be relocated. In cases in which it is not feasible to relocate the permanent recreational vehicle to a comparable special occupancy park, including those in which the condition of the permanent recreational vehicle is such that it cannot be safely relocated, or where the recreational vehicle does not meet minimum requirements to be accepted into another special occupancy park, the applicant shall provide the

following relocation assistance to each permanent recreational vehicle owner who is also a permanent resident:

113.2.7.2.1 The applicant shall be required to pay for the fair-market value of the recreational vehicle and the cost of disposal of the permanent recreational vehicle in an approved facility; and

113.2.7.2.2 Each displaced permanent recreational vehicle household will received a lump sum difference between current space rent and rent for a housing unit of a size appropriate, according to California Health and Safety code Section 50052.5 (h), to accommodate the displaced household for a period of 12 months. Lump sum funds due the resident may be paid directly to the new park owner as pre-paid rent upon request by the displaced household.

113.2.7.3 Relocation Counselor. The applicant shall offer to provide to all displaced permanent recreational vehicle owners and residents the services of a Relocation Counselor to provide information about the available housing resources and to assist with the selection of suitable relocation alternatives.

113.2.7.5.1 The Relocation Counselor shall be familiar with the region's housing market and qualified to assist residents to evaluate, select, and secure placement in the replacement housing, to arrange the moving of all of the household's personal property, and to render financial advice on qualifying for various housing types.

113.2.7.5.2 No later than 30 calendar days after the issuance of the special permit for the recreational vehicle park closure, the Relocation Counselor shall make personal contract with each displaced resident of the permanent recreational vehicles and commence to determine the applicable relocation costs and assistance to be provided. The relocation Counselor shall give to each person eligible to receive relocation assistance a written notice of his or her options for relocation assistance as determined by the special permit.

113.2.8 **Vacancy of Special Occupancy Park of 25 Percent or More.**

113.2.8.1 Whenever 25 percent or more of the total number of permanent recreational vehicle sites within a special occupancy park containing spaces for permanent recreational vehicles are uninhabited for more than 90 consecutive days, and such condition was not caused by a natural or physical disaster beyond the control of the special occupancy park owner, then such condition shall be deemed a "special occupancy park closure" for the purposes of this ordinance. The special occupancy park owner shall file an application for the special occupancy park closure, in compliance with this Section. A permanent recreational vehicle site is considered to be "uninhabited" when no rent is being paid for use of the site and it is either (i) unoccupied by a recreational vehicle or (ii) occupied by a recreational vehicle in which no person resides.

113.2.8.2 A permanent recreational vehicle resident or other interested party who has reason to believe that 25% or more of the total number of the permanent recreational vehicle sites within special occupancy park are uninhabited may file a written statement to that effect with the Director of Planning and Building. The Director or his designee shall investigate and make a determination as to whether an unauthorized special occupancy park closure is underway. Once the Director determines whether an unauthorized special occupancy park closure is underway, a written notice that describes such determination shall be sent by the County to the special occupancy park owner, special occupancy park manager, and the person who filed the written complaint.

113.2.9 **Request for Exemption from Relocation Assistance Requirements.**

113.2.9.1 Any person who files an application for a special permit for the closure of a special

occupancy park may, simultaneous with and as part of the filing of such application, request an exemption from some or all of the relocation assistance requirements described above in Section 113.2.7 (Conditions of Approval). The request shall be processed in conjunction with the application for the special permit, and shall be distributed to each permanent recreational vehicle owner and tenant at the time of application submittal, as specified in Section 113.2.6.2.

113.2.9.2 The applicant may request an exemption if the relocation assistance required exceeds the reasonable costs of relocation for displaced permanent recreational vehicle park residents, or as part of bankruptcy the court has taken action that would prohibit or preclude the payment of relocation assistance benefits, in whole or in part.

113.2.9.3 Any request for exemptions submitted in compliance with this section shall contain at a minimum, the following information:

113.2.9.3.1 Statements of profit and loss from operations of the special occupancy park for the five-year period immediately preceding the date of the application of exemption, certified by a certified public accountant. All such statements shall be maintained in confidence to the extent permitted by the California Public Records Act.

113.2.9.3.2 An estimate of the total cost of relocation assistance which would be required in compliance with Section 113.2.7 (Conditions of Approval). This estimate shall be based on surveys, appraisals and reports that document the number of residents of the park who are able to relocate their permanent recreational vehicles and those who would sell their permanent recreational vehicles, and the costs related to providing the relocation assistance.

113.2.9.3.3 If the applicant contends that continued use of the property as a special occupancy park necessitates repairs and/or improvements that are not the result of the park owner or applicant's negligence or failure to properly maintain the said property, and that the costs thereof makes continuation of the special occupancy park economically infeasible, then the report shall include a report by a civil engineer or licensed general contractor outlining the costs.

113.2.9.3.4 If the proposed closure is due to conversion of the land to another use an estimate of the value of the special occupancy park, an estimate of the value as is, and estimate of value after the change will be required. These estimates shall be prepared by a certified real estate appraiser.

113.2.9.3.5 Any request for exemption filed pursuant to Subsection 113.2.9.1, above, shall be accompanied by adequate documentation regarding the title, case number, and court in which the bankruptcy proceeding was held, and copies of all pertinent judgments, orders and decrees of the said court.

113.2.9.4 Where a court has determined in connection with a proceeding in bankruptcy that the closure or cessation of the use of said property as a special occupancy park is necessary, and such court has taken action which would prohibit or preclude payment of relocation benefits, whether in whole or in part, the Commission shall have the authority to waive all or a portion of any type of benefit to the extent necessary to comply with the judgment, order, or decree of the court.

SPECIAL OCCUPANCY PARK CONVERSION (Inland)

113.2.1 **Purpose.** The purpose of the Special Occupancy Park Conversion procedure is to ensure that any conversion of special occupancy parks which include spaces for permanent recreational vehicles to other uses is preceded by adequate notice, that the social and fiscal impacts of the proposed conversion are adequately defined prior to consideration of the proposed conversion, and that relocation and other assistance is provided to permanent recreational vehicle residents when warranted.

113.2.2 **Applicability .** This Chapter applies to applications for closure of special occupancy parks which include spaces for permanent recreational vehicles. Reasons for closure may include conversion to another land use and/or financial considerations of the park owner.

113.2.3 **Definitions .** The below definitions pertain to this Section.

113.2.3.1 “Applicant” means a person or entity who has filed an application for change of use of a special occupancy park which includes five or more spaces for permanent recreational vehicles.

113.2.3.2 “Change of use” includes closure, cessation or change of use of the park. It means the use of the park for a purpose other than the rental, or the holding out for rent, of two or more permanent recreational vehicle sites to accommodate mobilehomes used for human habitation, and does not mean the adoption, amendment, or repeal of a park rule or regulation. A change of use may affect an entire park or any portion thereof. “Change of use” includes, but is not limited to, a change of the park or any portion thereof to a condominium, stock cooperative, planned unit development, or any form of ownership wherein spaces within the park are sold.

113.2.3.3 “Special occupancy park closure” includes any closure, cessation or change of use of the park as described in Section 113.2.3.2. A closure includes ceasing to rent recreational vehicle lots for permanent human habitation and the cessation of use would result in the displacement of recreational vehicle park residents or when 25 percent or more of the recreational vehicle units or lots within a park become vacant.

113.2.3.4 “Eligible recreational vehicle resident” or “permanent resident” means a permanent recreational vehicle resident whose recreational vehicle was located in a special occupancy park on the date of an application for change of use. Eligible resident includes the spouse, parents, children and grandchildren of the eligible resident when those persons resided in the recreational vehicle on the date of the application.

113.2.3.5 “Legal owner” means any person or entity having an ownership interest in a permanent recreational vehicle other than the registered owner, such as a lender or mortgagor.

113.2.3.6 “Permanent recreational vehicle” means recreational vehicles that continuously occupy a space within a special occupancy park for nine months or more.

113.2.3.7 “Recreational vehicle owner” means the registered owner or registered owners of a permanent recreational vehicle, regardless of the number of such owners or the form of such ownership.

113.2.3.8 “Special occupancy park owner” or “park owner” means the person, persons or entity that owns a special occupancy park and includes any person authorized by the park owner to seek approval of an application for change of use.

113.2.3.9 “Recreational vehicle renter” or “renter” is a person who occupies a permanent recreational vehicle within a special occupancy park pursuant to a bona fide lease or rental agreement and who, during his or her tenancy, was not the owner of that recreational vehicle.

- 113.2.4 **Permit Requirements for a Change of Use.** The conversion of an existing special occupancy park with spaces for permanent recreational vehicles to another use shall require a special permit to be reviewed and approved by the Planning Commission.
- 113.2.5 **Relocation Impact Report** . An application for a special permit for a conversion of an existing recreational vehicle park with spaces for permanent recreational vehicles to another use shall include a relocation impact report (RIR) with all the following information.
- 113.2.5.1 A general description of any proposed change of use, or change without new use;
- 113.2.5.2 A timetable for conversion of the park;
- 113.2.5.3 A legal description of the park;
- 113.2.5.4 The number of permanent recreational vehicle spaces in the park, length of occupancy by the current occupant of each space and current rental rate for each space;
- 113.2.5.5 The date of manufacture and size of each recreational vehicle description of outbuildings and accessory structures construction on the lots and the cost to move them;
- 113.2.5.6 The name and mailing address of each eligible permanent recreational vehicle tenant, permanent recreational vehicle resident, permanent resident recreational vehicle owner and legal owner of a permanent recreational vehicle in the park;
- 113.2.5.7 A list of comparable special occupancy parks with permanent recreational vehicle spaces within a thirty mile radius of the applicant's special occupancy park. For each comparable park, the list should, if possible, state the criteria of that park for accepting relocated recreational vehicles, rental rates and the name, number and size of spaces, address and telephone number of the park representative having authority to accept relocated recreational vehicles, including any written commitments from recreational vehicle park owners willing to accept displaced recreational vehicles;
- 113.2.5.8 The rental rates and moving costs involved in moving to an apartment or other rental unit within a reasonable distance including, but not limited to, fees charged by moving companies and any requirement for payment of the first and last month's rent and security deposits;
- 113.2.5.9 Estimates as to the minimum cost of moving each permanent recreational vehicle, including tear-down and set-up of recreational vehicles and moving of improvements such as porches, carports, patios and other moveable amenities installed by the residents;
- 113.2.5.10 An appraisal conducted by a qualified appraiser. The appraisals shall identify those permanent recreational vehicles which cannot be moved due to type, age or other considerations. Appraisal information shall be provided on the effect upon the investment in the recreational vehicle, such as the change in value of effected recreational vehicles that would result from the proposed change in use.
- 113.2.5.11 Identification of a qualified relocation specialist to assist residents in finding relocation spaces and alternate housing;
- 113.2.5.12 A Relocation Plan for permanent recreational vehicles as specified in Section 113.2.7 below.

113.2.6 **Notice Requirements** . The following notice requirements are in addition to any notice regularly required for special permits. The applicant shall verify that a good faith effort has been made to ensure that each permanent recreational vehicle owner and tenant has received or will receive each of the following notices and documents. No hearing on a proposed special occupancy park closure shall be scheduled until the applicant has provided verification of notification.

113.2.6.1 Notice of Intent. A Notice of Intent by the applicant to convert or close the recreational vehicle park shall be sent by the applicant to all permanent recreational vehicle owners and tenants by certified mail at least 60 days prior to submittal of the special permit application to the County.

113.2.6.2 Written Notice & Relocation Impact Report. A written notice, in addition to the regular public hearing notice shall be delivered at least 15 days before the scheduled application for a special permit, informing all permanent recreational vehicle owners and tenants that the applicant will be appearing before the Planning Commission to request permits for a change of use of the special occupancy park. A copy of the Relocation Impact Report shall be included with this notice.

113.2.6.3 Notice of termination of tenancy. The applicant shall provide all permanent recreational vehicle owners and tenants proposed to be displaced a written "notice of termination of tenancy" that provides the affected residents or owners a minimum of six months' notice to vacate following the effective date of the approved special permit. The notice shall be sent by certified mail to each permanent recreational vehicle owner and tenant within 10 calendar days following the effective date of the approved special permit.

113.2.7 **Conditions of Approval.** Approval of a special permit shall include reasonable conditions of approval which shall not exceed the reasonable costs as set forth in this ordinance. Recreational vehicle owners who are not permanent residents are not eligible for relocation benefits. The special permit shall identify relocation options for each displaced permanent recreational vehicle occupant in a Relocation Plan, as follows:

113.2.7.1 Relocation assistance for permanent recreational vehicle owners whose vehicles can be relocated. The applicant shall pay all costs related to moving the permanent recreational vehicle, fixtures, and accessories to comparable special occupancy park within a reasonable distance. Relocation shall include moving costs, utility hook-up fees, moving of the permanent recreational vehicle resident's possessions, any move-in deposit and the reasonable housing expenses for displaced permanent recreational vehicle residents for a period not exceeding 30 days from the date of actual displacement until the date of occupancy at the new site. The comparable special occupancy park, or permanent recreational vehicle owner-approved receiving site, and the relocated recreational vehicle shall conform to all applicable Federal, State, and County regulations. In addition, the applicant shall provide displaced permanent recreational vehicle owners with the payment of a lump sum equal to the difference of rent between the old and new permanent recreational vehicle park spaces for a period of 12 months, if the new rent exceeds the old rent.

113.2.7.2 Relocation assistance for permanent recreational vehicle owners whose recreational vehicles cannot be relocated. In cases in which it is not feasible to relocate the permanent recreational vehicle to a comparable special occupancy park, including those in which the condition of the permanent recreational vehicle is such that it cannot be safely relocated, where the recreational vehicle does not meet minimum requirements to be accepted into another special occupancy park, or cases in which there are no available spaces at a special occupancy park within 30 miles, the applicant shall provide the following relocation assistance to each permanent recreational vehicle owner who is also a permanent resident:

113.2.7.2.1 The applicant shall be required to pay for the fair-market value of the recreational vehicle and the cost of disposal of the permanent recreational vehicle in an approved facility; and

113.2.7.2.2 Each displaced permanent recreational vehicle household will received a lump sum difference between current space rent and rent for a housing unit of a size appropriate, according to California Health and Safety code Section 50052.5 (h), to accommodate the displaced household for a period of 12 months. Lump sum funds due the resident may be paid directly to the new park owner as pre-paid rent upon request by the displaced household.

113.2.7.3 Relocation Counselor. The applicant shall offer to provide to all displaced permanent recreational vehicle owners and residents the services of a Relocation Counselor to provide information about the available housing resources and to assist with the selection of suitable relocation alternatives.

113.2.7.3.1 The Relocation Counselor shall be familiar with the region's housing market and qualified to assist residents to evaluate, select, and secure placement in the replacement housing, to arrange the moving of all of the household's personal property, and to render financial advice on qualifying for various housing types.

113.2.7.3.2 No later than 30 calendar days after the issuance of the special permit for the recreational vehicle park closure, the Relocation Counselor shall make personal contract with each displaced resident of the permanent recreational vehicles and commence to determine the applicable relocation costs and assistance to be provided. The relocation Counselor shall give to each person eligible to receive relocation assistance a written notice of his or her options for relocation assistance as determined by the special permit.

113.2.8 Vacancy of Special Occupancy Park of 25 Percent or More.

113.2.8.1 Whenever 25 percent or more of the total number of permanent recreational vehicle sites within a special occupancy park containing spaces for permanent recreational vehicles are uninhabited for more than 90 consecutive days, and such condition was not caused by a natural or physical disaster beyond the control of the special occupancy park owner, then such condition shall be deemed a "special occupancy park closure" for the purposes of this ordinance. The special occupancy park owner shall file an application for the special occupancy park closure, in compliance with this Section. A permanent recreational vehicle site is considered to be "uninhabited" when no rent is being paid for use of the site and it is either (i) unoccupied by a recreational vehicle or (ii) occupied by a recreational vehicle in which no person resides.

113.2.8.2 A permanent recreational vehicle resident or other interested party who has reason to believe that 25% or more of the total number of the permanent recreational vehicle sites within special occupancy park are uninhabited may file a written statement to that effect with the Director of Planning and Building. The Director or his designee shall investigate and make a determination as to whether an unauthorized special occupancy park closure is underway. Once the Director determines whether an unauthorized special occupancy park closure is underway, a written notice that describes such determination shall be sent by the County to the special occupancy park owner, special occupancy park manager, and the person who filed the written complaint.

113.2.9 Request for Exemption from Relocation Assistance Requirements.

113.2.9.1 Any person who files an application for a special permit for the closure of a special occupancy park may, simultaneous with and as part of the filing of such application, request an exemption from some or all of the relocation assistance requirements

described above in Section 113.2.7 (Conditions of Approval). The request shall be processed in conjunction with the application for the special permit, and shall be distributed to each permanent recreational vehicle owner and tenant at the time of application submittal, as specified in Section 113.2.6.2.

113.2.9.2 The applicant may request an exemption if the relocation assistance required exceeds the reasonable costs of relocation for displaced permanent recreational vehicle park residents, or as part of bankruptcy the court has taken action that would prohibit or preclude the payment of relocation assistance benefits, in whole or in part.

113.2.9.3 Any request for exemptions submitted in compliance with this section shall contain at a minimum, the following information:

113.2.9.3.1 Statements of profit and loss from operations of the special occupancy park for the five-year period immediately preceding the date of the application of exemption, certified by a certified public accountant. All such statements shall be maintained in confidence to the extent permitted by the California Public Records Act.

113.2.9.3.2 An estimate of the total cost of relocation assistance which would be required in compliance with Section 113.2.7 (Conditions of Approval). This estimate shall be based on surveys, appraisals and reports that document the number of residents of the park who are able to relocate their permanent recreational vehicles and those who would sell their permanent recreational vehicles, and the costs related to providing the relocation assistance.

113.2.9.3.3 If the applicant contends that continued use of the property as a special occupancy park necessitates repairs and/or improvements that are not the result of the park owner or applicant's negligence or failure to properly maintain the said property, and that the costs thereof makes continuation of the special occupancy park economically infeasible, then the report shall include a report by a civil engineer or licensed general contractor outlining the costs.

113.2.9.3.4 If the proposed closure is due to conversion of the land to another use an estimate of the value of the special occupancy park, an estimate of the value as is, and estimate of value after the change will be required. These estimates shall be prepared by a certified real estate appraiser.

113.2.9.3.5 Any request for exemption filed pursuant to Subsection 113.2.9.1, above, shall be accompanied by adequate documentation regarding the title, case number, and court in which the bankruptcy proceeding was held, and copies of all pertinent judgments, orders and decrees of the said court.

113.2.9.4 When making its determination as to whether to waive or modify a portion or all of any type of benefit that would otherwise be applicable, the Commission may take into account the financial history of the special occupancy park, its condition and the condition of the amenities and improvements thereon, the cost of any necessary repairs, improvements or rehabilitation of said park, the estimated costs of relocation, the fair market value of the property for any proposed alternative use, the fair market value of the property for continued use as a special occupancy park, and any other pertinent evidence requested or presented. The Commission shall expressly indicate in its decision any waiver and the extent thereof.

113.2.9.5 Where a court has determined in connection with a proceeding in bankruptcy that the closure or cessation of the use of said property as a special occupancy park is necessary, and such court has taken action which would prohibit or preclude payment of relocation benefits, whether in whole or in part, the Commission shall have the authority to waive all or a portion of any type of benefit to the extent necessary to comply with the judgment, order, or decree of the court.

