

ORDINANCE NO. 600

AN ORDINANCE OF THE CITY OF WILSONVILLE AMENDING THE WILSONVILLE CODE BY ADDING SECTIONS 6.300 THROUGH 6.400 RELATING TO MITIGATING PUBLIC HEALTH AND WELFARE IMPACTS OF FORCED EVICTIONS ASSOCIATED WITH CLOSURE OF MOBILE HOME PARKS, AND DECLARING AN EMERGENCY.

WHEREAS, the rising value of land in the Portland Metropolitan area has increasingly resulted in the sale, closure and conversion of mobile home parks for alternative uses. Closure of mobile home parks necessarily involves termination of the rental agreements mobile home owners have for spaces in the park, resulting in the forced eviction and displacement of park residents. Mobile home parks provide housing affordable for low and moderate income persons, and market forces suggest that when mobile home parks are closed, that kind of affordable housing inventory is lost forever. Most mobile home park residents own the mobile home in which they live, and the closure of the park forces most of them to abandon their mobile homes without recovery of the home's value. Current state and local law does not give sufficient recognition to the fact that mobile home park closures affect a particularly vulnerable portion of our society. Relying on impact studies, Census figures, State Department of Revenue and State Housing and Community Services data, the Council finds as follows:

- Forty seven mobile home parks were closed in Oregon between 2001 and 2005, resulting in a loss of 1,317 individual spaces.
- The average household income of mobile home residents in 1999 ranged between \$27,000 and \$45,000. Residents are typically poorer than the average renter household, with incomes of only roughly two thirds the renter level.
- Mobile home tenants are more likely to be older and hence more likely to live on fixed incomes than their apartment renter counterparts.
- About 82% of mobile home units are owner occupied: 18% are renter occupied.
- The average assessed value of a mobile home in FY 2003-04 was \$26,000.
- "Mobile homes," originally resembling and named after the recreational travel trailers of today, are rarely mobile, being designed for permanent placement, often being double-

- wide and triple wide, costing, if road worthy, substantial sums in the unsealing, mechanical separation, removal of porches and similar fixtures, disconnection of utilities, and often moved, in sections, by permit and specially trained movers.
- Many older mobile homes which are mechanically capable of being moved, do not meet design requirements and restrictions of potential receiving parks, resulting in abandonment in place.
 - Once placed in a park, only a small percentage of homes are ever moved during the lifetime of the home.
 - When mobile homes are sold, they are almost universally sold in place to a new resident who buys the mobile home from the current owner and becomes the new renter of the park space. Closure of a mobile home park, and the practical immobility of the home, results in the owner's loss of the value of that home.
 - Traditionally, mobile home residents are stable, being long time residents of the park, and commonly report that their current location is the first mobile home residence they have had. As noted above, many of the residents are elderly, whose friends, contacts, and community have centered on the park for years, if not decades, and;

WHEREAS, the foregoing demonstrates that in the event of park closure, the owners of mobile homes are not only forced from the park, but forced from their homes, and therefore lose their major asset. This is an especially serious problem in that a significant proportion of the owners of established parks are elderly and on fixed incomes, and;

WHEREAS, state law currently requires written notice to tenants of mobile home park spaces when the tenancy for a facility is terminated because the park is to be closed and the land or leasehold converted to a different use. No moving costs and set-up expenses are owed if the landlord provides more than 365 days notice of termination. When notice is provided between 180 and 365 days prior to termination, the statutes require that the landlord pay the cost of moving and set-up expenses or \$3500, whichever is less. HB 2389, enacted this session and effective 1/1/2006, provides that a qualified owner of a mobile home valued at less than \$110,000 may take a personal income tax credit of up to \$10,000 over three to five years if the mobile home is involuntarily moved because of park closure. The amount of the credit is the lesser of \$10,000 or the actual moving costs. Qualified homeowners are individuals who earn no

more than \$60,000 on the date that the mobile home is moved. If the homeowner earns less than 200% of the Federal Poverty Level, the entire amount of the moving expense is a credit against income tax liability in the year of the involuntary move. If the tax liability is less than the credit and tax prepayment amounts, the difference will be refunded to such taxpayer; and,

WHEREAS, current state law, as it will be amended, places a low cap on moving expenses, and, as found below, does not come near the actual costs of moving and set-up expenses occasioned by the forced relocation of the mobile home. Once taken, the tax credit is not available in the event that the owner is forced to move again. HB 2389 provisions sunset in 2008.

The primary deficiency in the state law respects the lack of assistance to the owner who is not able to relocate the home. The law does not require compensation *in any form* to the owners who, in the course of eviction, must abandon their homes in place. Council finds that, especially for the older parks, such individuals comprise the majority of park residents – many of whom are elderly, disabled, and on fixed incomes and stand to lose the entire value of their life's primary asset. State law therefore does not assist what is perhaps the most needy and vulnerable segment of the park population; and,

WHEREAS, state law only requires notice of termination of a rental agreement. It does not require notice to and involvement of tenants at a time and for the purpose of meaningful negotiation and sale to the tenants or tenant organization. Additionally, state law only encourages mobile home park landlords to inform the state of available spaces. Nothing requires the owner of a park being closed to analyze or assist displaced residents with information about space availability in comparable parks, to otherwise provide relocation assistance, or to compensate for the loss of home through forcible eviction and involuntary conversion; and,

WHEREAS, the Council has been advised that after 40 years of operation and the entreaty to potential renters (renters must be over 55 years of age, with a few exceptions) in its sales materials of the possibility of living out their lives there, the 60-plus acre Thunderbird Mobile Home Park is now proposed to be sold and the park closed. Many of the residents have written the Council and described the devastating impacts that forced eviction and relocation would have on them. The Council finds that the Thunderbird Mobile Home Park is inhabited by senior citizens, many on fixed incomes. Of the approximately 270 homes in the park, 250 of which are currently occupied, the majority, or approximately 140 homes, are inhabited by single

women. A vast majority are retired, living on pensions or social security. Many are infirm. Given the age of the park, the circumstances are such that most of the homes in the park cannot reasonably be moved, resulting in the loss of the home's value. Those able to relocate must do so without adequate compensation. The replacement housing is rarely comparable, and

WHEREAS, the Council finds that the situation facing Thunderbird Mobile Home Park reasonably applies to all mobile home parks in the City. Given the rise in real estate values, it is reasonable to assume that the other parks in the City will also be closed or redeveloped in ways that displace current residents, and

WHEREAS, in addition to the private costs assumed by displaced park residents and their families, closure of mobile home parks involve substantial public costs, including increased utilization of tax-supported state and local housing assistance, and costs for welfare, medical and social services; and

WHEREAS, the Council wishes to mitigate the social and fiscal impacts of mobile home park closures in a way not adequately provided for in existing law. To that end, Council directed City staff to develop a proposed ordinance addressing the shortcomings in state law described above, provided notice, and conducted a public hearing on the ordinance, at which time residents, owners and others interested in mobile home park closures offered testimony and evidence on the proposal; and,

WHEREAS, the Council recognizes that the provisions of this ordinance place added burdens and obligations on owners of mobile home parks. , It is the singular act of closing the park that causes the kind of third party impacts which the public health and welfare demands be mitigated and become part of the closure decision. Nevertheless, the Council also recognizes that these provisions place significant burdens and responsibilities on a discrete group of individuals, and that in fairness and reason, these regulations must not be oppressive or impose undue burdens on affected property owners. Consequently, the proposed chapter provides a process for relief from those requirements to ensure that this ordinance is lawful on its face and as applied; and

WHEREAS, the Council finds that these provisions comport with applicable law and determines that the ordinance is not preempted by state law, does not constitute a land use regulation within the meaning of Measure 37, does not operate to be a barrier to conversion to a different land use, is rationally based, and is otherwise lawful ; and,

WHEREAS, upon consideration of evidence presented to and adduced at the public hearing, and in consideration of the foregoing findings of fact, Council declares that it is in the public health, safety and welfare interests of the City to provide that closure of an existing mobile home park is preceded by adequate notice, that the social and economic impacts of the proposed closure are adequately defined and mitigated prior to such closure and that relocation and other assistance is provided park residents.

NOW, THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1. Findings.

The above-mentioned recitals are incorporated as findings of the City Council. The Council further adopts as finding of fact that staff report in this matter dated October 3, 2005, attached as Exhibit A, the report by Sheehan and Colton entitled "The Problem of Mass Evictions in Mobile Home Parks Subject to Conversion" and such other Supplemental Findings set forth in Exhibit B, attached hereto and incorporated by reference as fully set forth herein.

Section 2. Order.

That Wilsonville Code Chapter 6 is amended by adding the following sections thereto:

MOBILE HOME PARK CLOSURES

6.300. Purpose and Intent.

(1) The purpose of these provisions is to restrict activities for the protection of public health and safety. The provisions are intended to mitigate the adverse impacts of mobile home park closures on park residents by ensuring that the closure is preceded by adequate notice, that the social and economic impacts of the involuntary relocation of tenants associated with the closure are adequately defined, and that relocation and other assistance is provided park residents.

6.310. Definitions.

(1) The following words, terms and phrases have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

"Closure of a mobile home park" means to stop or cease leasing spaces in a mobile home park, to terminate mobile home space rental agreements for all or a portion of the park spaces, or to otherwise engage in activity to effect termination of rental agreements or leases or to evict tenants. Termination of tenancy under ORS 90.400, or actions required by the exercise of eminent domain or by order of State or local agencies shall not constitute closure of a mobile home park.

“Comparable mobile home park space” means any space, lot, or parcel of land within 100 miles of the park that is (1) decent, safe, and sanitary; (2) adequate in size to accommodate the manufactured dwelling; (3) within the financial means of the displaced tenant; (4) functionally equivalent; (5) in an area not subject to unreasonable adverse environmental conditions; and (6) in a location generally not less desirable than the location of the displaced tenant’s space with respect to public utilities, facilities, services, and the displaced tenant’s place of employment.

“Mobile home” means a manufactured home, mobile home or residential trailer as these terms are defined in ORS 446.003(26).

“Mobile home park” means place where four or more mobile homes are located, the primary purpose of which is to rent space or keep space for rent to any person for a fee.

“Owner” means a mortgagee in possession and means one or more persons, jointly or severally, in whom is vested all or part of the legal title to a mobile home park; or all or part of the beneficial ownership and a right to present use and enjoyment of the mobile home park. Owner includes an authorized representative of the Owner.

“Relocation costs” means and includes actual reasonable expenses in moving the tenant’s manufactured dwelling and possessions to a comparable replacement space. Such expenses include:

1. Removal and reinstallation of skirting;
2. Disconnecting utilities;
3. Disconnecting and removing awning(s) and deck(s) from the manufactured dwelling;
4. Trip permit and public inspection fees;
5. Transportation costs;
6. Set up charges;
7. Utility connection expenses and fees;
8. Unit improvements to meet destination facility space standards;
9. Costs for packing and unpacking manufactured dwelling or residential vehicle contents as necessary for unit relocation for elderly and disabled persons, as defined in OAR 813-005-0005 and 813-060-0010, respectively;
10. Temporary housing and meals for the tenant and permanent occupants during unit relocation and set up; and
11. Landlord expenses to secure the relocation space acceptable to the tenant from the time of tenant acceptance until the date the relocated manufactured dwelling or residential vehicle is approved for occupancy.

Notwithstanding the above, relocation costs shall not include, and shall be off set by, relocation assistance received, including, but not limited to financial incentives to move into a new park, from a person or entity other than the owner.

“Tenant” means a person who owns and occupies a manufactured dwelling in a mobile home park. For the purpose of this chapter, a tenant does not include a tenant who has accepted an earlier termination date or contracted with the landlord as provided in ORS 90.630(6)(a) or (b).

6.320. Mobile Home Park Closure Permit.

(1) **Permit Required.** No person may close a mobile home park unless a mobile home park closure permit has been obtained. Provided, however, that nothing in this section is intended to limit a person’s ability to apply for and obtain a plan amendment, zone change, or other land use decision pursuant to the City’s Comprehensive Plan or Zoning Ordinance.

(2) **Scope of Permit Requirement.** These provisions shall apply to all closures commenced after October 17, 2005, and to those closures and/or closure activities that follow notice under ORS 90.630(5), provided the associated eviction or surrender dates occur more than 120 days from October 17, 2005.

(3) **Application Filing.** Applications for closure permits shall include the following and any additional relevant information as may be necessarily required by this chapter and the City Manager or City Manager’s designee:

- (a) A detailed narrative description of and timetable for the proposed closure.
- (b) A report on the impact of the closure of the mobile home park on its residents pursuant to section 6.330.
- (c) The Relocation Plan pursuant to section 6.340.
- (d) Notice pursuant to 6.350.
- (e) The application filing fee in an amount established by the City Council.

(4) **Application processing.** Upon receipt of a complete application, the City Manager or Designee shall review the application and forward a recommendation in the permit to City Council for final action. The Permit shall require a public hearing following the procedures set forth in W.C. 2.560.

6.330. Closure Impact Report.

(1) Any person filing an application for a Closure Permit shall file a Closure Impact Report on the impact of the closure change of use, or cessation of use upon the residents of the mobile home park. At a minimum, the Closure Impact Report shall include the following, as well as any other information deemed necessary and appropriate by the City Manager or Designee.

- (a) A detailed description of the mobile home spaces within the mobile home park, including but not limited to
 - 1) The total number of mobile home spaces in the park and the number of spaces occupied,

- 2) The length of time each space has been occupied by the present resident(s) thereof,
 - 3) The age, size, and type of mobile home occupying each space,
 - 4) The monthly rent currently charged for each space, including any utilities or other costs paid by the present resident(s) thereof,
 - 5) Name and mailing address of the primary resident(s) and owner if different than occupant of each mobile home within the mobile home park.
- (b) A list of all comparable mobile home parks spaces within the City of Wilsonville and within 100 miles of the City. This list shall include the age of the mobile home park and the mobile homes therein, a schedule of rents for each park listed, a listing of the vacancies in the parks and the criteria of the management of each park for acceptance of new tenants and used mobile homes.
- (c) A detailed analysis of the economic impact of the relocation on the tenants including comparisons of current rents paid and rents to be paid at comparable mobile home parks within the 100 mile relocation zone, the estimated costs of moving a mobile home and personal property and any direct or indirect costs associated with a relocation to another mobile home park.
- (d) A list of the names, addresses and telephone numbers of one or more housing specialists, with an explanation of the services the specialists will perform at the applicant's expense for the residents to be displaced. These services shall include but not be limited to assistance in locating a suitable replacement mobile home park, coordination of moving the mobile home and personal property, and any other tasks necessary to facilitate the relocation to another comparable mobile home park.

6.340. Relocation Plan.

- (1) A Relocation Plan for tenants of the mobile home park shall be submitted for review and approval as part of the application for a Closure Permit. The Relocation Plan shall provide, at a minimum, for the following:
- (a) The Relocation Plan shall provide for the owner to pay all reasonable relocation costs to a comparable mobile home park space within 100 miles to any tenant who relocates from the park after City approval of the closure Permit. When any tenant has given notice of their intent to move prior to City approval of the Use Permit, eligibility to receive moving expenses shall be forfeited.
 - (b) The relocation plan shall identify those mobile homes that cannot be relocated to a comparable mobile home park space within 100 miles. The owner shall be required to offer to purchase any mobile home that cannot be relocated in conformance with this chapter. The offer to purchase the mobile home will be made at its in-place market value. Such value shall be determined after consideration of relevant factors, including the value of the mobile home in its

current location including the blocks and any garage, skirting, siding, porches, decks, storage sheds, cabanas, and awnings, and assuming the continuation of the mobile home park in a safe, sanitary, and well maintained condition, and not considering the effect of the change of use on the value of the mobile home. If a dispute arises as to the in-place value of a mobile home, the applicant and the homeowner shall have appraisals prepared by separate state certified appraisers with experience in establishing the value of mobile homes. The in-place value in disputed cases shall be based upon the average of the appraisals submitted by the applicant and mobile home owner, or, at either party's written request within 7 days receipt of the last appraisal, the two appraisers shall agree upon a third appraiser whose determination shall be final and binding.

- (c) In order to facilitate a proposed closure, the tenants and owner(s) may agree to mutually satisfactory conditions. To be valid, however, such an agreement shall be in writing, shall include a provision stating that the tenant is aware of the provisions of this ordinance, shall include a copy of this ordinance as an attachment, shall include a provision in at least twelve-point type which clearly informs the tenants that they have the right to seek the advice of an attorney of their choice prior to signing the agreement with regard to their rights under such agreement and shall be drafted in the form and content otherwise required by applicable state law.

Should the owner provide evidence demonstrating to the City that two-thirds of the tenants have executed such agreements, and that the balance of tenants have been offered comparable agreement terms, the provisions of this Chapter shall not apply to the closure involving all tenants. Such evidence may include an agreement with or a sale to a tenant association or tenant non-profit corporation representing two-thirds or more of the tenants.

6.350. Required Notifications.

- (1) In the event the owner intends to sell the mobile home park, the owner shall notify, in writing, the tenants and the City of Wilsonville within 10 days of receipt of any written offer received by the owner or agent of the owner to purchase the park which the owner intends to consider or any listing agreement entered into by the owner to effect the sale of the mobile home park.
 - (a) The notice shall contain the name, address and phone number of the owner and the owner's representative, if any, who is authorized to negotiate the sale of the mobile home park.
 - (b) Within 90 days of the delivery by or on behalf of the owner of the notice required herein, a tenant may notify the owner by certified mail or personal service at the address disclosed in the notice that the tenant or a tenant supported nonprofit organization is interested in purchasing the mobile home park.

- (c) Upon delivery of the notice required herein, the owner shall negotiate in good faith with the tenant or organization and provide the tenant or organization an opportunity to purchase the facility as the owner would any bona fide third party potential purchaser.
- (d) The section does not apply to those sales and transfers described in ORS 90.820(4) or to any offer or listing agreement made before this section was adopted.

6.360. Required Findings.

- (1) In approving a Permit for a mobile home park closure, the City Council shall find that the proposed closure meets the following requirements in addition to the other requirements of this Chapter.
 - (a) That the tenants of the mobile home park have been adequately notified of the proposed closure, including information pertaining to the anticipated timing of the proposed closure.
 - (b) That the age, type size, and style of mobile homes to be displaced as a result of the closure will be able to be relocated into other comparable mobile home parks within a 100 mile radius of the City of Wilsonville, or that the owner has agreed to purchase any mobile home that cannot be relocated at its in-place value as provided for in this Chapter.
 - (c) That any mobile home tenants displaced as a result of the closure shall be compensated by the owner for all reasonable relocation costs, excluding the value of tax credits owing the tenant under state law.
 - (d) That if the owner files a tentative plat or plan for a land division to be created from the closure of a rental mobile home park, the owner provides tenants such offers and other information required by law.

6.370. Conditions of Approval.

- (1) The City Council may impose any necessary and appropriate conditions of approval to satisfy and implement the intent, purpose, and content of this Chapter. In addition, any other necessary and appropriate conditions of approval to protect the health, safety and welfare of the residents of the City of Wilsonville may be imposed. The Council shall not deny, but may approve or conditionally approve, the permit involving the closure of the park or cessation of the use of the land as a mobile home park, , provided the applicant has properly complied with the requirements of this ordinance and there is no evidence that the applicant or prior owners have attempted to evict or otherwise cause the removal of residents for the purpose of avoiding the requirements of this Chapter.

6.380. Owner Relief.

The owner of a mobile home park may apply for relief from the requirements of this Chapter. Upon receipt of an owners application for relief setting forth facts demonstrating how application of the ordinance is unduly oppressive under the circumstances then and there existing, together with an application filing fee in an amount established by City Council, the City Manager shall make a recommendation to the City Council, and based upon the record of a public hearing pursuant to the procedures of W.C. 2.560, the City Council shall determine the extent to which application of this Chapter, or portions thereof, is unduly oppressive. In making that determination, the Council shall consider the amount and percentage of value loss, the extent of remaining uses, past, present and future, the seriousness of the public problem caused by the owner's acts of closure, the degree to which these provisions mitigate the problem and the feasibility of less oppressive solutions. The Council shall consider other factors as may be relevant or necessary to achieve a lawful application of these provisions. The Council shall make written findings, supported by substantial evidence, of the extent to which application of these provisions are unduly oppressive, and articulate those requirements or payments that the owner need not bear to avoid such oppression. As to these requirements or payments, the owner shall be relieved. As to the remaining owner obligations, the Council shall, considering the record of the proceedings, the unmitigated impacts upon the tenants, and the intent and purpose of this Chapter, declare the manner in which such obligations shall appear in the Relocation Plan or other conditions of the mobile home park closure permit.

Appeal of Council action under this Section shall be by Writ of Review or other appropriate procedure.

6.390. Enforcement.

(1) Violations. Any person who closes a mobile home park without a permit, who fails to comply with the requirements of this chapter or the conditions of the permit, or who willfully makes an untrue or misleading statement of material fact or willfully omits to provide required information in the process of application or whose actions, through the raising of rent or otherwise, objectively manifests a intent or effort to avoid the requirements to this Chapter, shall be guilty of a violation. Notwithstanding any other provision of this code, the penalty for any such violation shall be \$1,000. Each day of non compliance shall constitute a separate violation.

(2) Private Right of Action. Except with respect to relief granted by the City Council under the provisions of 6.380 or 6.340(1)(C) any tenant of a mobile home park, or any owner of a mobile home in a park subject to closure shall have a right of action in a court of competent jurisdiction for such equitable and legal remedies as the court may grant, and shall be entitled to recover reasonable attorney fees, expenses, costs and other disbursements reasonably incurred.

(3) Cumulative Remedies. The foregoing is in addition to any other remedies that may exist at law or in equity.

6.400 Rulemaking Authority.

(1) The City Manager or Designee is authorized to promulgate any rules necessary for the implementation of this Chapter of the code.

Section 3. Severability.

If any section, subdivision, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Emergency Clause.

There is an immediate need to enact the foregoing provisions to address imminent park closures, so as to protect the public health, safety and welfare. As such, this Ordinance shall take effect on the date of passage.

SUBMITTED to the Wilsonville City Council and read the first and second time at regular meeting thereof on the 17th day of October, 2005, at the hour of 7 p.m. at the Wilsonville Community Center, 7965 SW Wilsonville Road, Wilsonville, Oregon.


SANDRA C. KING, MMC, City Recorder

ENACTED by the City Council on the 17th day of October, 2005, by the following

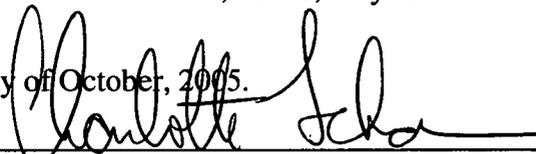
votes:

Yes: -5-

No: -0-


SANDRA C. KING, MMC, City Recorder

DATED and signed by the Mayor this 19th day of October, 2005.


CHARLOTTE LEHAN, MAYOR

SUMMARY OF VOTES:

Mayor Lehan	<u>Yes</u>
Councilor Kirk	<u>Yes</u>
Councilor Holt	<u>Yes</u>
Councilor Scott-Tabb	<u>Yes</u>
Councilor Knapp	<u>Yes</u>

Attachments:

Exhibit A. Staff report dated October 3, 2005

Exhibit B. Sheehan and Colton Report, and other Supplemental Findings

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Paul A. Lee, Assistant City Attorney
RE: Ordinance No.600 Relating to Mitigating Impacts of Mobile Home Park Closures.
DATE: October 17, 2005

I. Introduction.

Proposed Ordinance No. 600 regulates the closure of mobile home parks by requiring the park owner to mitigate the cost of relocation or abandonment of homes as a result of the closure. In light of the increasing number of mobile home park closures across the region, the proposed closure of a mobile home park in Wilsonville, and the perception that current state law does not adequately address the needs of tenants forced to relocate, the City Council directed that an ordinance be drafted and considered at a public hearing.

II. Background.

Mobile home park tenants generally own their own mobile homes, but they lease from the park owner the spaces upon which the mobile home rest. As owners of homes and renters of spaces, these individuals face particularly difficult financial burdens when parks are closed. When forced to relocate from a closing park, these residents face the expensive tasks of moving not only themselves but also their homes to other sites.

While these homes are called "mobile," in fact they are a form of immobile prefabricated housing that has been constructed in a factory and transported to its site. The cost of moving these structures and setting them up in their spaces is substantial. Where the costs are not a consideration, it still may be extremely difficult to move the home. As a practical matter, many mobile homes and mobile home owners are thus completely dependent on the right to keep the mobile home "in place." Closure of mobile home parks necessarily involves termination of the rental agreements mobile home owners have for spaces in the park, resulting in the forced eviction and displacement of park residents, and often the complete loss of the home's value.

The average household income of mobile home residents are typically below that of the average renter household, with incomes of only roughly two thirds the renter level. Mobile home tenants are more likely to be older and hence more likely to live on fixed incomes than their apartment renter counterparts.

Mobile home owners are in a unique, and uniquely vulnerable, position. They cannot pack up and leave when rents rise. The economic necessities of low cost homeownership requires that the home be sited on land owned by another. Because of this split estate, the limited supply of mobile home spaces, and the homeowners' "sunk" investment on-site, park owners have a controlling economic power over the equity of mobile home owners in their home. The interests of mobile home owners and park owners are in direct opposition. Mobile home owners desire to preserve their investments and the affordability of their home while park owners desire to maximize their return on the underlying land. The rising value of land in the Portland Metropolitan area has increasingly resulted in the sale, closure and conversion of mobile home parks for alternative uses. Once mobile home parks are closed, the most affordable and most predominant form of unsubsidized housing is often lost to the low income, elderly, poor and infirm.

Concern over the forced relocation of mobile home park tenants has caused states to step in to provide protection of mobile home park tenants during their tenure and upon closure of the mobile home park. Most provide notice periods and relocation benefits. Oregon state law (ORS Chapter 90) currently requires written notice to tenants of mobile home park spaces when the tenancy is terminated. The statutes require the owner to pay the cost of moving and set-up expenses in an acceptable space or \$3500 whichever is less. No relocation costs are owed if the notice exceeds a year. No provision is made for mobile home cost recovery if the mobile home cannot be relocated. As the result of recent amendments, mobile home park tenants meeting certain income limitations who must involuntarily move because of a park closure may take a personal income tax credit of the lesser of \$10,000 or the actual moving costs.

Costs for moving mobile homes and setting them up in spaces typically range well in excess of the state relocation benefit. Expenses for modern homes can reach \$25,000, given the costs of disconnection of the structure for the original site, the cost of movement of the structure over highways, and the costs of placement of the mobile home in its new space. As noted, state law does not assist the homeowner who, because of the nature of the mobile home, the scarcity of receiving spaces, or other reason, loses the entire equity in the home.

The Thunderbird Mobile Home Park in Wilsonville is currently for sale. The 60-plus acre, 270-space park is inhabited by senior citizens. Many are on fixed incomes. Many are infirm. The devastating effects of forced eviction, relocation and the abandonment of homes have been described to Council and are incorporated as Ordinance findings.

There are four mobile home parks in Wilsonville. The requirements of the proposed ordinance has differential impact on the various owners, but it is clear that its terms will require a few individuals to bear substantial burdens in providing relocation assistance to displaced tenants. A one-size-fits-all prescription of required mitigation obligations may not be fair for all owners. It may be made more reasonable to tie the park owners obligations to the particular circumstances of the owner and the mobile home park closure.

III. The Proposed Ordinance.

Ordinance 600 is designed to extend the protections of state law and provide for additional mitigation of the impacts of mobile home park closure. It also recognizes the interests and circumstances of the individual park owner who is obliged to meet these obligations by providing for the fair and reasonable adjustment to owner responsibilities under the ordinance.

The Ordinance involves the addition of new sections to the Public Health and Welfare chapter of the Wilsonville Code. A summary of the provisions of each section follows.

6.300. Purpose and Intent. The purpose of the ordinance is to restrict the activities of mobile home park owners/landlords for the protection of public health and safety, by ensuring that park closure is preceded by adequate notice and attendant economic impacts mitigated through relocation and other assistance to park residents.

6.310. Definitions. “Closure of a mobile home park,” “Comparable space” “Relocation costs” and other primary terms used in the ordinance are defined.

6.320. Permit Required. This section requires a permit for the closure of a mobile home park. Permits are required for all closures initiated after the effective date of the ordinance, or for those actions concluding a closure decision that is four months or more from finalization.

Details of the application filing, content and processing are provided, with the process concluding with a recommendation of the City Manager and action by the City council following an evidentiary public hearing.

6.330 Closure Impact Report. One of the requirements of an application and permit is the “Closure Impact Report.” This report describes the mobile home park to be closed, lists comparable mobile home park spaces within 100 miles of the city, and analyses the economic impact of the relocation on the tenants of the park.

6.340 Relocation Plan. Another requirement of an application and permit is a Relocation Plan with provides for the owner to pay all reasonable relocation costs for tenants relocating to a comparable mobile home park space within the 100 mile area. Those mobile homes that cannot be relocated to a comparable space must be identified and an offer made to purchase the mobile home at its in-place market value. A method for resolution of disputes about market value is provided.

Alternatives to the application of a relocation plan to a particular tenant or to the tenants as a group, which enables the owner to avoid payment of relocation costs or home values under the ordinance are provided as follows: 1) by informed and mutual agreement between the tenant and owner, and 2) by agreements with two-thirds of the tenants (as a group of individuals or an organization representing two-thirds of the tenants) and evidence that the balance of tenants have been offered agreements with comparable terms.

6.350 Required Notifications. This section requires the owner to notify the tenants of written offers to purchase the park or any listing agreements to effect park sale. Specified notice periods and the requirement for good faith negotiation with a tenant/tenant organization is provided.

6.360. Conditions of Approval. Following a public hearing on the permit, the Council approves or conditionally approves the permit, if the code is followed, or denies the permit if there is a violation. This section authorizes the Council to attach necessary conditions of approval to protect the public health, safety and welfare.

6.380. Owner Relief. This section provides owners with a procedure by which the owner is relieved of obligations under the Ordinance. Upon the owner's demonstration of the manner in which requirements are "unduly oppressive" under the circumstances, the Council determines and finds the extent of such "undue" effect. This demonstration, receipt of rebutting evidence, and Council determination is made at a public evidentiary hearing. The Council's decision is based upon established criteria (e.g., impact on the owner of the value loss, extent of the problem left unmitigated, feasibility of less oppressive solutions, etc.) and is supported by findings based upon substantial evidence. To the extent Council determines the permit requirements or payments are unduly oppressive, the owner is relieved. As to the balance of obligations that are appropriate, the Council declares the manner in which such obligations appear in the permit conditions.

6.390 Enforcement. Noncompliance with the Ordinance is made a violation with a penalty of a \$1000.00 fine. Additionally, any tenant of the affected park is authorized to bring a Private Right of Action in a court of competent jurisdiction. Other legal remedies are reserved.

6.400. Rulemaking Authority. The City Manager or Designee is authorized to adopt implementing rules in keeping with the Ordinance.

IV. Comment on Selected Features of the Ordinance.

Several aspects of this Ordinance are noteworthy.

1. First, there is the extent to which the provisions go beyond state law. These include the required payment of all reasonable relocation costs, the amount of which is only partially covered by state law. Importantly, the Ordinance requires the owner to offer of purchase of mobile homes not relocate-able under the terms of the ordinance. This feature specifically addresses the problem of the "im-mobility" of the mobile home, and the problem faced by home owners forced to abandon a major life asset upon eviction.

The Ordinance adds to state law requirements for notification and good faith bargaining with tenants and tenant-supported organizations, by making mandatory that which is non-mandatory in the statutes.

2. The addition of the Private Right of Action is not seen in many other mobile home park closure regulations. Its presence reflects the social welfare nature of ordinance by

providing those harmed by violations of the ordinance a cause of action in a court with power to adjudicate private disputes arising under Oregon municipal law.

3. The Owner Relief provision. This provision reflects the recognition that the Ordinance places burdens upon a discrete group of individuals who may not be entirely responsible for the problems the Ordinance addresses. While it is true that closing a mobile home park is the immediate cause of the need for relocation assistance, there are other reasons not within the responsibility or control of the owner (unavailability of low income housing, low income status of tenants, etc) that make that assistance necessary. The owners articulate an issue of whether they should shoulder a burden that in fairness should be shared by society in general.

The intent of the relief section is to ensure that the regulations are reasonable and fair. It enables the Council to modify the application of the Ordinance to the circumstances of the particular owner to avoid undue oppression, tailoring the means used to advance the public purposes in a reasonable fashion.

V. Conclusion and Recommendation.

Staff has endeavored to draft an Ordinance that gives substantial added protections to tenants displaced by the closure of the mobile home park, while ensuring that the owners of such parks are not unduly burdened by its requirements. Staff recommends adoption of Ordinance 600.

**THE PROBLEM OF MASS EVICTIONS IN
MOBILE HOME PARKS SUBJECT TO CONVERSION**

PREPARED BY:

Michael F. Sheehan
Fisher, Sheehan and Colton
Public Finance and General Economics
33126 S.W. Callahan Road
Scappoose, OR 97056

and

Roger D. Colton
Fisher, Sheehan and Colton
Public Finance and General Economics
34 Warwick Road
Belmont, MA 02478

December 1994

State laws generally allow mobile home park owners to close and convert mobile home parks to other uses consistent with local zoning ordinances. Since a significant proportion of mobile home parks are located in non-residential zones, the park owners, often non-residents, and often corporations, will generally find that park residents can be displaced, the land cleared, and commercial or industrial uses superimposed, without review by zoning officials, or in other proceedings where residential interests can be heard and protected.¹

The decision to convert a park to another use necessarily involves the displacement of existing residents. Since virtually all mobile home park residents own the mobile homes in which they live, closure and conversion of the park will force them either to move or to abandon their mobile homes to the developer's bulldozers.² Regardless of whether the displaced park residents are able to rescue their homes, an issue to be discussed extensively below, the mass, forced eviction of large numbers of residents will inevitably have significant consequences for residents. In situations where low-income elderly and other persons are involved, the private burden and the public costs will be tremendous.

This article presents a case study in how to assess the impacts of a mobile home park conversion, along with the mass evictions that necessarily accompany such a conversion. The article is divided into four parts. Part I presents a discussion of the relative immobility of mobile homes and their owners. Part II presents a brief description of mobile homes in the particular community being studied, Forest Grove, Oregon, in which low-income advocates opposed the closure of a mobile home park. Part III describes the mechanism by which to review the ability of other local mobile home parks to absorb the residents of a park subject to conversion. Finally, Part IV presents conclusions as to the impact on current residents of Grove Mobile and Rose Acres parks in Forest Grove, as well as on the public generally, were these two parks to be converted and the residents evicted. The purpose of the article is to provide guidance on how similar impact studies can be performed by local advocates in similar circumstances.

PART 1:

The Practical Immobility of Residential Mobile Homes

¹ See generally, Lyle F. Nyberg, "The Community and the Park Owner versus the Mobile Home Park Resident: Reforming the Landlord-Tenant Relationship." 52 *Boston University Law Review* 811 (1972).

² Recent studies indicate that between 90 and 98 percent of all residential mobile homes in parks are owned by their occupants. W.Z. Hirsch and J.G. Hirsch, "Legal-Economic Analyses of Rent Controls in a Mobile Home Context: Placement Values and Vacancy Decontrol." 35 *UCLA Law Review* 405 (1988).

Though it might be thought that something called a "mobile home" would be easy to move, the name is a leftover from the period of 1930-1950 when "mobile homes" were more like the recreational travel trailers of today, than the modern residential mobile home. Indeed, moving today's residential mobile home, especially if long established in its current location, is more akin in process and cost to moving a traditional single family dwelling than to moving a pick-up drawn travel trailer.³

The immobility of the modern mobile home is due to several factors. The most significant of these is that today's mobile home is *designed* to be permanently placed on a pad and then maintained there for its useful life. Most mobile homes, for example, are not manufactured with permanent undercarriages. Temporary axles and wheels are bolted to the frame by the movers and then removed once the mobile home is delivered and set on its chocks or placed on a foundation.⁴

Secondly, the majority of modern mobile homes are either double-wide or triple wide. This means that they were manufactured either in two parts or in three parts, delivered in sections, and then aligned, bolted, sealed, roofed, carpeted, etc. on site at the park. In order to move a double- or triple-wide unit, the process has to be repeated in reverse, with, however, the added complication that the home will by then have its full complement of personal property which will often have to be removed.

Moving the home involves unsealing, unroofing the roofed over seams, mechanically separating the two or three sections one from another, disconnecting plumbing and other utilities, removing car ports, porches, and similar fixtures, and lifting the home off its foundation or supports. The home will have to be weather sealed and otherwise protected against pilferage and breakage, and then moved, by specially trained movers, in sections, to the new location. The physical move itself will typically involve the need to acquire special permits for the movement of an oversized load over city streets.

The costs associated with moving a mobile home can be, and generally are, substantial, especially in the context of low-income or elderly fixed-income residents. Including the cost of installing skirting, porches, car ports, and similar amenities generally abandoned at the old park, or reduced to rubble in the move, this can run from several hundred dollars up to eight to ten thousand dollars for the more expensive homes.⁵

³ Brief of *Amicus Curiae*, at 2. *City of Santa Barbara v. Hall*, 833 F.2d 1270 (9th Cir. 1986). *Petition for Certiorari*.

⁴ Werner Hirsch. "An Inquiry into Effects of Mobile Home Park Rent Control." 24 *Journal of Urban Economics* 213 (1988).

⁵ See e.g., Hirsch and Hirsch, *supra* note 2, at 404, n. 17; see also, Hirsch, *supra* note 4, at 215.

In addition to the significant costs associated with the movement of modern mobile homes of relatively recent vintage and in good condition, many of the older, especially single-wide trailers which have been in place for long periods--though still suitable as low-income housing--are no longer road worthy. Either legally, or from an engineering point of view, they cannot be moved. In the event of park conversion and general eviction of residents, the owners of these homes would not only be forced from the park, but would also be forced from their homes, and would lose their major asset when the land is cleared. This is an especially serious problem in that a significant proportion of the owners of the oldest generation of mobile homes are elderly and on fixed incomes.

Moreover, while many older mobile homes in poor condition may be mechanically capable of being moved, many, if not most, modern mobile home parks have strict age and/or condition restrictions on the mobile homes they will consider for admission. Thus it is certain that a significant number of technically movable mobile homes will, in the event of conversion, never provide housing again, since no other park site will be available.⁶

While the immobility of mobile homes can be viewed in cost/engineering terms, it has a significant human dimension as well. Mobile home residents are typically poorer than the average renter household, with incomes of only roughly two thirds the renter level,⁷ and many, as noted above, are elderly residents whose friends, contacts, and community have centered on the park for years, if not decades.⁸

In terms of age:

The statistics initially seem to indicate that mobile home tenants are more likely to be older and hence more likely to live on fixed incomes than their apartment renter counterparts. In California, the average age of mobile home tenants is 67, whereas the average age of apartment tenants is 42.⁹

Similarly, a Hamilton-Rabinovitz rental housing study in Los Angeles concluded that:

⁶ It is worth noting as well that the option of simply buying a lot off in the back country somewhere and setting the evicted mobile home on it is not a credible option for the elderly, few, if any, of whom are up to "roughing it," and many of whom don't drive, and could not survive outside of an urban context with nearby services.

⁷ Hirsch and Hirsch, *supra* note 2, at 413.

⁸ See, the discussion below of a survey done by a local Legal Services office for a fuller demographic picture of the Rose Acre and Grove mobile home parks.

⁹ Hirsch and Hirsch, *supra* note 2, at 414.

With respect to age, the head of household in more than three-quarters of the mobile home households is at least 62 years old. The mean age of the head of household in mobile home tenants families is 67 years, 25 more than for apartment renters. Two thirds of the mobile home households have at least one elderly member.¹⁰

The same study also indicated that 43 percent of all mobile home tenant households are headed by women, mostly elderly.¹¹

Traditionally, mobile home residents are stable. The Hamilton-Rabinovitz study indicated that for upwards of 80 percent of all mobile home park residents "their current location is the first mobile home residence they have had."¹² When mobile homes are sold, they are almost universally sold *in place* to a new resident who buys the mobile home from the current owner and becomes the new renter of the park space.¹³ One recent study, using California data, indicated that "only about 3% of mobile home coaches in California were ever moved during their lifetime, following their original installation."¹⁴ Another study found that "once placed in a park, only about 1% of mobile home coaches are ever moved during the lifetime of the coach."¹⁵

The immobility of mobile homes, and the immobility of the typical mobile home resident, are exacerbated by the very low rates traditionally found in mobile home parks. Obviously, finding a vacant pad to move to is a necessary part of any plan to move a mobile home *out*. The Hamilton-Rabinovitz study found two vacancies out of 1226 pads surveyed.¹⁶ That study concluded:

Mobility rates are so low, whether estimated at the resident level of 0.5% or at the park owner (estimated) level of 7% per year, that few coaches are likely to come open as a result of their occupants' moving. Park owner association

¹⁰ Hamilton, Rabinovitch, Szanton and Alschuler. *1984 Rental Housing Study: Mobile Parks Under Rent Stabilization*. City of Los Angeles: 1985, at 6.

¹¹ *Id.*

¹² *Id.*, at 20.

¹³ "90% or more of those who leave the park sell their mobile homes in place." Hirsch and Hirsch, *supra* note 2, at 405, n.19.

¹⁴ Hirsch, *supra* note 4, at 214.

¹⁵ Hirsch and Hirsch, *supra* note 2, at 405.

¹⁶ Hamilton-Rabinovitz, *supra* note 10, at 28.

representatives estimate vacancy rates at 2% to 3%. of parks have a waiting list* *

* 17

These low vacancy rates are not a recent phenomenon, but have been typical of the industry for decades. The national mobile home park occupancy rate was 95.8 percent in 1968.¹⁸ A study in the early 1970s indicated that "a prospective tenant must often wait over four years before being allowed to enter a park" in Massachusetts.¹⁹ Elsewhere, the New Jersey Supreme Court found at one point that "there is such a shortage of mobile home parks in the area compared to the demand, that vacancies anywhere are totally non-existent."²⁰ These examples are not isolated, but appear to be typical. The study reviewed below in Washington County, Oregon, reflects a similar tight market.

Thus, the tradition and practice in mobile home parks is stable ownership over extended periods of time by middle income to poorer residents, who are generally older, with an expectation that their home is permanently located, and if ever sold, will be sold in place. In light of these general observations, a study was performed to assess the impacts of a mobile home park closure, and conversion, in Washington County, Oregon. The two areas affected included the Grove Mobile and Rose Acres mobile home parks. Oregon

PART II:

Size, Age and Value Characteristics of Mobile Homes in the Rose Acres and Grove Mobile Home Parks

As part of the effort of local advocates to examine the impact of the closure of certain mobile home parks in Forest Grove, Oregon, researchers asked the Washington County Assessment and Taxation division to do a computer run that would provide the dimensions, as well as the age and value, of the mobile homes in the Grove Mobile and Rose Acre mobile home parks. In due course, a print-out was provided with information on the 77 units in the Rose Acre park and the 227 units in Grove Mobile. This data was downloaded into computers in order to do some simple computations and sorting.

The statistical analysis revealed several interesting facts. Section 10-787 of the Forest Grove (Oregon) Zoning Ordinance prevents mobile home parks in Forest Grove from accepting as tenants any mobile home owners whose mobile homes were built before

¹⁷ *Id.*, at 57.

¹⁸ Note, "The Community and the Park Owner Versus the Mobile Home Park Resident: Reforming the Landlord-Tenant Relationship," 52 *Boston University Law Review* 810, 812, n.27 (1972).

¹⁹ *Id.* at 812, n. 27.

²⁰ *Nelson Cooney & Son, Inc. v. South Harrison*, 273 A.2d 33, 39 (N.J. 1971).

mid-1976. This 1976 "bright line" was significant for the residents of Grove Mobile, but especially so for Rose Acres.

Rose Acres was primarily occupied by senior citizens, most of whom have lived in Rose Acres for a number of years. The average age of the homes in the park is over twenty years. Of the total of 77 homes, only ten (10) would qualify for entry in the newer parks in Forest Grove under the law, while 67 (or 86%) would not.

Of the 77 homes, 17 (22%) have values per square foot under \$6.00, with eleven of these under \$5.00. At the other end of the spectrum, the average value per square foot for homes built after mid-1976 (the Ordinance cut off date) is \$12.22.

The analysis of Grove Mobile revealed similar problems. The average age of the 227 homes in Grove was 15 years. Of the 227 total, 153 (67%) would not qualify for entry into parks in Forest Grove because of the age restrictions established in the zoning ordinance. Of the 227 home total, 17 had values per square foot under \$6.00. For comparison, the average value per square foot of those homes built after mid-1976 was \$12.72 in Grove Mobile.

Looking at the combined totals, of 304 total units for which data was available, 190 (63%) were built before mid-1976, and so would not qualify for entry into Forest Grove's other mobile home parks under the local zoning ordinance. Thirty-four of the homes in the two parks have values per square foot of less than \$6.00. Out of 304 homes, 128 (42%) had a total value of less than \$7,500, with 61 (20%) having total values of less than \$5,000. For Rose Acres in particular, 43 percent of the homes had total values of less than \$5,000.

Two conclusions are evident from these figures. The first is that a substantial number of people are being adequately housed in their own homes at values per unit which could not be duplicated in either the private, or the public, low-income housing markets. Given the age and income composition of the residents of these two parks, the existing housing is very cost-effective from the public's perspective. This statement means that if a substantial portion of this housing stock was lost through conversion, the public would undoubtedly find that the cost of public assistance to provide adequate housing to eligible residents--even were such housing available--would be considerably greater than the public cost of the housing in these two mobile home parks.

The second conclusion to be drawn from these statistics is that given the age and the low total values of many of these homes, it is likely that a substantial fraction of the 304 units, with a much higher fraction of the Rose Acres units, would not be admissible in most of the parks in Washington County, even if there were an adequate number of vacancies.²¹

²¹ There are, however, as discussed below, *not* adequate vacancies.

Moreover, even if many of the homes were admissible elsewhere, and technically capable of being moved, the cost of moving would exceed the current value of the home.

PART III:

Washington County Mobile Home Parks Vacancies, Turnover, and Limitations on Admissions

To consider the ability of current residents of Grove Mobile and Rose Acres mobile home parks to move elsewhere in the community, a telephone survey was conducted of all mobile home parks in Washington County. The purpose of the survey was to determine the capability of these other parks in the county to absorb the displaced residents of Rose Acres and Grove Mobile were these parks to be converted to commercial or industrial uses.

The population of the parks to be surveyed was drawn from the Washington County and Portland Oregon West Hills Yellow Page listings under "mobile homes" and limited to those parks which appeared to be in Washington County. Twenty-two parks were identified in this manner. Though the list may not be exhaustive there is every indication that it accurately represents the general situation among Washington county parks.²²

Four questions formed the core of the survey: (1) number of current vacancies; (2) turnover rate; (3) allowance of single-wide homes; and (4) age restrictions on mobile homes. The total number of spaces in the 15 parks responding was 1,847, out of which there were 98 gross vacancies at the time of the survey. Of these 98 vacancies, 65 were in one new park (the Homestead, Forest Grove), and 23 were in another (Heritage Village, Beaverton). Both of these parks had stringent age restrictions.²³ Ten of the remaining 13 parks had no vacancies at all.

To provide information about how long it would take to absorb 304 units from Rose Acres and Grove Mobile, each park respondent was asked about turnover on an annual basis.²⁴ Two parks volunteered information on the number of "sales" in their parks. One listed 14 sales during eight months, annualized up to 20 per year. Another listed 24 sales for eight months, annualized to 30 per year. The figures from these two parks were excluded from the turnover rate, however, since they almost certainly reflected sales of

²² Of the twenty-two parks identified, seven could not be reached through repeated calling of the numbers listed. The effective population, therefore, was 15 parks.

²³ These age restrictions are discussed in greater detail below.

²⁴ Unfortunately, in asking this question, no distinction was made between turnover, defined as existing mobile homes in the park being up for sale *in place*, and turnover involving the vacancy of a paid, *i.e.* where the pre-existing mobile home had itself been moved out of the park, leaving an open space.

existing mobile homes *in place*.²⁵ Accordingly, these sales could not be counted on as making a place for displaced mobile homes from the Rose Acre and Grove Mobile parks. The annual turnover rate found for the remaining parks was 16 per year, a figure not out-of-line with other data on current vacancies.

As part of the survey, park managers were asked whether they had restrictions on the age of mobile homes they allowed in their parks. Three parks responded that they, indeed, had age restrictions. One park (Heritage), with 23 of the total of 33 current vacancies,²⁶ responded that it would only accept mobile homes built within the last four years.²⁷ Another park (Westview) responded that it would only accept homes built within the last ten years. Only four of the homes at Rose Acre and 33 of the homes at Grove Mobile would qualify under this condition.²⁸

The arithmetic of all this is that of the total 304 units in Rose Acres and Grove Mobile, only four would qualify for admission to one park. This leaves 80 of the 84 that would qualify for admission to The Homestead. The Homestead has 65 vacancies, and so could take 65 of the remaining 80, leaving 15. This means that there would still remain these 15 units, plus the 220 units ($15 + 220 = 235$ total) that could not qualify for either of these two parks left to find places for. The number of remaining vacancies, however, is only ten (98 total vacancies - 65 (The Homestead) - 23 [Heritage Village] = 10 remaining vacancies).

The other thirteen parks had no rule with respect to age, though three volunteered that the "condition" of the applicant mobile home was an important consideration. It is reasonable to expect all parks to have at least an implicit "condition" rule for admission.

Summary

Several conclusions flow from the evidence described above. First, due to the cost of moving, the age and condition of many of the homes at Rose Acre and Grove Mobile, and the presence of zoning ordinances like that of Forest Grove, for practical purposes, a large percentage of the homes in these two parks are immovable.

²⁵ This could be deduced from the age restrictions imposed by the parks.

²⁶ There were 98 total vacancies, with 65 being in one particular, new, mobile home park.

²⁷ Recall that *none* of the Rose Acre homes were built within the last four years, and only six of the Grove mobile homes could meet this criterion (leaving $304 - 6 = 298$). Thus, of a total of 304 units in Rose Acres and Grove mobile home parks, 298 would then face the meager solace of the remaining ten of the current vacancies if the conversion of the park, and eviction of the tenants, were to occur at the time of the survey.

²⁸ Even assuming that Westview had vacancies, which it did not.

Second, the housing stock in these two parks constitutes one of the largest concentrations of low-income housing in the county. Not only are a substantial number of low-income residents housed in these parks but they are in their *own privately provided* housing. Mass eviction of the residents on conversion of these parks would undoubtedly and inevitably result in a large number of these residents becoming, in one way or another, homeless and dependent on already strained public housing resources at significantly greater costs to the city and county than under the current satisfactory arrangement.

Third, even if all the mobile homes in the two parks were movable in terms of cost and mechanics, there is no where for at least 225 (of the 304) units to go.

Fourth, given the 16 units per year turnover rate county-wide, it would take roughly 14 years (225 units / 16 units turnover per year) to place all these homes, even if all other demand for these vacancies were to disappear or to be taken up by new parks, if any, and even if we assume that the displaced residents could simply wait by the roadside until spaces became available.

Finally, the mass eviction of approximately 1,000 city residents from these parks, about one tenth of the population of Forest Grove, cannot help but have a significant and dramatic adverse impact, not just on the residents themselves, but also on the economic well-being of the community at large.

Conclusion

Legal Service advocates have the ability to build a compelling record before local officials regarding the adverse impact of the conversion of mobile home parks and the mass eviction of mobile home park residents. The demographics of the households living in the mobile homes, as well as the age, value and condition of the homes themselves, are important data to develop and present in an impact analysis. The ability to move the mobile homes--both technically and economically--can be ascertained and presented. Finally, the ability to *place* the existing mobile home on a different pad in a different park is a critical factor to examine. A study of the mass eviction of mobile home residents, due to mobile home park conversions to commercial or industrial uses, is an important part of low-income advocacy.