

ORDINANCE NO. 8960 (New Series)

AN ORDINANCE ADDING ARTICLE XXXIX-B (COMMENCING WITH SECTION 728)  
TO THE SAN DIEGO COUNTY ADMINISTRATIVE CODE RELATING TO THE BOARD  
OF SUPERVISORS APPOINTMENT OF A MOBILE HOME ISSUES COMMITTEE.

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. Article XXXIX-B (commencing with Section 728) is hereby added to the San Diego County Administrative Code to read as follows:

ARTICLE XXXIX-B  
MOBILE HOME ISSUES COMMITTEE

**SEC. 728. FINDINGS.**

The Board of Supervisors finds and determines that mobile home owners generally have substantial investment in a residence for which space is rented or leased. Alternate sites for relocation are often difficult to find due to the shortage of vacant spaces, the restrictions of age, size, or design of mobile homes permitted in many parks, and the problems related to the relocation of mobile homes including relocation expenses, permitting costs, and site preparation expenses. This lack of relative mobility creates a unique relationship between mobile home owners and mobile home park owners.

The Board of Supervisors desires to help resolve and harmonize disputes that may occur between residents and owners of mobile home parks which may arise from the failure of either party to recognize the property rights of the other or to engage in acts or practices which may jeopardize the public health, safety or interest of one another.

It is the intent of the Board of Supervisors to: (1) establish a standing committee to advise on unresolved disputes and to address mobile home park issues in general; (2) establish a mediation process for the resolution of disputes between mobile home park owners and mobile home park residents, and (3) provide on-site conflict resolution training for mobile home park owners, managers and residents.

**SEC. 728.1. ADMINISTRATION.**

Administration of the provisions of this ordinance shall be under the general direction of the Director of Housing and Community Development.

**SEC. 728.2. DEFINITIONS.**

The following definitions shall be used in the interpretation of this ordinance:

1. County Mediator shall mean the person(s) or entity(s) selected by the County of San Diego to conduct mediation services and on-site conflict resolution training for mobile home park

owners, managers and residents. The County mediator shall also act as the chairperson of the Mobile Home Issues Committee.

2. Mediation shall mean a voluntary process whereby disputing parties come together with a professionally trained mediator (i.e., the County mediator) who helps them clarify their differences and work to design their own agreement.
3. Mobile Home shall mean a structure transportable in one or more sections designed and equipped to contain not more than two dwelling units to be used with or without a foundation system. Mobile Home does not include a recreational vehicle, travel trailer or commercial coach. Nothing contained in this ordinance is meant to give retroactive effect to any of the definitions contained herein. If a coach was a mobile home at the time as defined by statute, said coach continues to be a mobile home notwithstanding the changed definition.
4. Mobile Home Park Resident or Homeowner shall mean a person who has a tenancy in a Mobile home park.
5. Mobile Home Park Owner shall mean the owner of a mobile home park or an agent or representative authorized to act on his or her behalf in connection with matters relating to a tenancy in a mobile home park.
6. Mobile Home Issues Committee shall mean a committee of ten members and appointed by the Board of Supervisors to conduct meetings on disputes unresolved by mediation and to address mobile home issues in general.
7. Director of Housing and Community Development shall mean the Director of the County of San Diego Department of Housing and Community Development.

### **SEC. 728.3. MOBILE HOME ISSUES COMMITTEE.**

- a. Policies. The Mobile Home Issues Committee organization and operations shall be operated in accordance with the following provisions and with Board Policies A-74 through A-74f, "Citizen Participation in County Boards, Commissions and Committees". In the event of any conflict between the provisions of this ordinance and Board Policies A-74 through A-74f, the provisions of this ordinance shall govern.
- b. Number of Members. The Mobile Home Issues Committee shall consist of ten members: Five mobile home park owners and five mobile home park residents. Each member of the Board of Supervisors shall nominate two committee members: one mobile home park owner and one mobile home park resident. The Board of Supervisors shall appoint the members of the committee in accordance with the appointment process prescribed by Board Policies A-74 through A74-f.
- c. Term of Office. The committee members shall be appointed for a term concurrent with the nominating Supervisor's term of office. Upon reelection, the Board member may re-nominate his or her committee member for an additional term concurrent with the

nominating Supervisor's term of office. The term shall expire on the date of expiration of the term of their nominating Supervisor, or at the time their nominating Supervisor ceases to hold office, whichever occurs first. Any committee member whose term has expired shall continue to discharge his or her duties until a successor has been appointed and qualified. Committee members appointed upon vacancy caused by other than completion of the term shall serve for the remaining term.

- d. Eligibility for Appointment. Only mobile home park owners who own a mobile home park located in the unincorporated County and mobile home park residents who reside in mobile home parks located in the unincorporated County shall be eligible to serve on the committee. These eligibility requirements do not apply to persons who may serve on various subcommittees of the Mobile Home Issues Committee.
- e. Absences. Any committee member with more than three consecutive unexcused absences may be replaced.
- f. Meetings. The committee shall hold regular, public, monthly meetings at a time and place to be determined by the committee. After six months, meetings may be held quarterly, if that level of frequency is found by the committee to be sufficient. All meetings of the committee shall be conducted in accordance with the provisions of the Ralph M. Brown Act.
- g. Chairperson. As an exception to Board Policies A-74 through A-74f, the County mediator shall act as the chairperson of the committee and shall schedule and conduct all committee meetings. For issues requiring a vote of the committee, such as an unresolved issue referred from mediation, the chairperson will vote only as necessary to break a tie vote of the committee. In the event that a County mediator is not funded by the County, the Mobile Home Issues Committee shall annually elect from its members a chairperson and vice-chairperson who will act as chairperson in the absence of the elected chairperson.
- h. Minutes. The scheduling of meetings and the keeping of written minutes and related activities, shall be the responsibility of the chairperson (which duty may be delegated to a Secretary elected by the Mobile Home Issues Committee). All Committee meeting minutes shall be filed with the Clerk of the Board of Supervisors. The Director of Housing and Community Development shall send copies of the minutes to each member of the Board of Supervisors.
- i. Duties and Responsibilities. It shall be the responsibility of the committee to conduct meetings: (i) at the request of any mobile home park owner or any mobile home park resident on issues unresolved by mediation conducted by the County mediator; (ii) on issues for which either party chooses not to use the County mediator; and, (iii) to address mobile home issues in general.
- j. Quorum. The presence of six committee members, with at least three mobile home park owners and three mobile home park residents, shall constitute a quorum. The affirmative vote of the majority of the members present is required for committee recommendation on an issue or dispute.

- k. **Committee Recommendations.** At the conclusion of a meeting on a dispute, the committee shall make a non binding recommendation to the parties and shall notify both parties of said recommendation by certified mail or by personal delivery.
- l. **Compensation.** Members of the Mobile Home Issues Committee (excepting County mediator when serving as the chairperson of the committee) and any of its subcommittees shall serve without any compensation or any mileage reimbursement.
- m. **Subcommittees.** As an exception to Board Policy A-74 through A-74f, the Mobile Home Issues Committee may, at its discretion, appoint members of the general public to serve on subcommittees to direct studies, conduct research or make recommendations on Mobile Home Issues Committee activities.

#### **SEC. 728.4 MEDIATION.**

- a. **Request for Mediation.** Any mobile home park owner and any mobile home park resident may initiate the mediation process by telephoning or by filing a “Request for Mediation” form with the mediation entity. Both parties shall attempt to resolve disputes prior to seeking mediation. In the case of a complaining mobile home resident, the complaint must be made to the mobile home park owner in writing and both parties must make reasonable efforts to resolve the dispute. Provided, however, that the Director of Housing and Community Development shall reserve the right to review any and all request for mediation to determine if the dispute is of the type that the County mediator and the Mobile Home Issues Committee have the authority to review.
- b. **Scheduling Mediation.** The County mediator entity shall schedule mediation within a reasonable number of days of receipt of a mediation request, subject to prior approval by the Director of Housing and Community Development as specified in Section 728.4 (a) herein.
- c. **Mediation Standards.** Mediation shall be conducted in accordance with the mediation procedures as may be approved and as may be modified from time to time by the Director of Housing and Community Development.
- d. **Representatives.** Only the County mediator and not more than six representatives each chosen by the mobile home park owner and the mobile home park resident may attend the mediation. The representatives for each party shall attend the scheduled mediation and present any applicable information. Provided, however, that the Director of Housing and Community Development may also assign County staff members to attend any and all mediation(s).
- e. **Completion of Mediation.** Mediation is to be completed no later than 60 days after the first meeting, as scheduled in accordance with Section 728.4 (b) herein.
- f. **Request for Review.** If no agreement is reached through mediation, a meeting will be scheduled before the Mobile Home Issues Committee upon the request of one or both parties.

- g. Funding. The County shall provide funding for mediation services for the first year of operations with subsequent funding to be determined by the Board of Supervisors on an annual basis. Donations to defray the cost of mediation will be accepted.

**SEC. 728.5. ANNUAL REPORT.**

An annual report summarizing the results of this ordinance will be prepared by the Mobile Home Issues Committee and submitted to the Board of Supervisors.

**SEC. 728.6 SUNSET.**

This Article shall be reviewed as a part of the regularly scheduled sunset review process.

Section 2. Effective date. This ordinance shall take effect and be in force thirty days after its passage and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in The San Diego Commerce, a newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED AND ADOPTED this 22<sup>nd</sup> day of September, 1998.