

Ordinance No. 3614

(Amending or Repealing Ordinances)

CFN=207 – Mobile Home Park Code

Passed – 9/17/2002

Mobile Home Closures

(Amend Secs. 12.01.040;12.05.020;12.05.030;12.05.040;12.05.320;
12.05.330;12.05.340;12.05.350;12.05.360;12.05.370;12.05.380)

Amends Ords. 3424 & 3574 (Sec. 12.01.040)

Amends Ord. 2990 (Sec. 12.05.020, .030, .040)

Amended by Ord 3801 (Sec. 12.01.040)

Amended by Ord. 4011 (Sec. 12.01.040(A))

Amended by Ord. 4044 (Sec. 12.01.040)

Amended by Ord. 4050 (Secs. 12.05.040;12.05.370)

ORDINANCE NO. 3614

AN ORDINANCE of the City Council of the City of Kent, Washington, amending section 12.01.040 and chapter 12.05 of the Kent City Code by adding provisions related to closure or change in use of mobile home parks.

WHEREAS, the closure of mobile home parks creates a harm to the public interest, health, safety, and general welfare through the displacement of low-income households and the possible loss of a significant personal property investment; and

WHEREAS, many tenants of long-established mobile home parks own dwelling units that could be determined by the Washington State Department of Labor and Industries to be incapable or ineligible for relocation from mobile home parks; and

WHEREAS, many tenants of long established mobile home parks own dwelling units deemed unacceptable by other mobile home parks due to considerations of style, appearance, or condition and have difficulty finding vacant spaces due to the high demand for existing mobile home spaces; and

WHEREAS, the City of Kent Comprehensive Plan includes policy direction to provide relocation assistance to low-income households, where feasible; and

WHEREAS, the City of Kent seeks to establish regulations for the closure or change in use of a mobile home park that will mitigate the effects on the tenants of the mobile home park; NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON,
DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. – **Amendment.** Section 12.01.040 of the Kent City Code is hereby amended as follows:

Sec. 12.01.040. Project permit application framework.

A. *Process types.* The following table lists the process types; the corresponding applications; and parenthetically, the corresponding final decision maker and appellate body.

	<i>Process I</i>	<i>Process II</i>	<i>Process III</i>	<i>Process IV</i>	<i>Process V</i>	<i>Process VI</i>
Applications	Zoning permit review (1) (7)	Administrative design review (1) (7)	Conditional use permit (5) (10)	Planned unit development (6) (10) with change of use	Final plat (6) (10)	Zoning of newly annexed lands (6) (10)
	Performance standards procedures (1) (7)	Shoreline substantial development permit (1) (9)	Sign variance (5) (10)			Area-wide rezones to implement new city policies (6) (10)
	Sign permit (1) (7)	Accessory dwelling unit permit (1) (7)	Special home occupation permit (5) (10)	Rezone (6) (10)		Comprehensive plan amendment (6) (10)
	Lot line adjustment (1) (7)	Administrative variance (1) (7)	Variance (5) (10)			Development regulations (6) (10)
	Administrative interpretation (1) (7)	Downtown design review, all except for minor remodels (3) (7)	Shoreline conditional use permit (5) (9)			Zoning map amendments (6) (10)
	Application conditional certification multi-family tax exemption, (1)(8), all other multi-family tax exemption, (1) (7)	Downtown design review, only minor remodels (1) (7)	Shoreline variance (5) (9)			Zoning text amendments (6) (10)
	Development plan review (planning manager, building official, or public works director) (7)	Multifamily design review (1) (7)	Preliminary plat (5) (8)			
	Administrative approval/WTF (1) (7)	Binding site plan (2) (7)				
	<u>Mobile Home Park Closure</u> (11) (7)	Short subdivision (4) (7)	Planned unit development (5) (10) without a change of use			

- (1) Final decision made by planning manager.
- (2) Final decision by binding site plan committee
- (3) Final decision made by downtown design review committee
- (4) Final decision made by short subdivision committee
- (5) Final decision made by hearing examiner
- (6) Final decision made by city council

- (7) Appeal to hearing examiner
- (8) Appeal to city council
- (9) Appeal to shoreline hearings board
- (10) No administrative appeals
- (11) Final decision made by manager of housing and human services

B. *Process procedures.* The following table lists the process types and the corresponding procedures.

	<i>Project Permit Applications (Processes I – V)</i>					<i>Legislative</i>
	<i>Process I</i>	Process II	Process III	Process IV	Process V	Process VI
Requires pre-application conference	Yes, for projects requiring SEPA review	Yes, for projects requiring SEPA review	Yes, for projects requiring SEPA review	Yes	No	No
Notice of application	Yes, for projects requiring SEPA review	Yes, for projects requiring SEPA review, short plans and shoreline substantial development permits	Yes	Yes	No	No
Recommendation made by	N/A	N/A	N/A	Hearing examiner	N/A	Land use and planning board
Final decision made by	Planning manager, building official, or public works director, or manager of housing and human services as applicable	Planning manager, downtown design review committee, binding site plan committee or short subdivision committee, as noted in KCC 12 01 140	Hearing examiner	City council based upon record made before hearing examiner	City council	City council
Open record appeal	Yes, if appealed, then before hearing examiner	Yes, if appealed, then before hearing examiner	No	No	No	No
Open record hearing	No	No	Yes, before hearing examiner to make final decision	Yes, before hearing examiner to make recommendation to council	No	Yes, before land use and planning board to make recommendation to city council, and/or before city council
Reconsideration.	No	No	Yes, of hearing examiner's decision	Yes, of hearing examiner's recommendation	No	No
Closed record appeal	Only if appeal of denial of multi-family conditional certificate, then before the city council	Only if appealed, then before the shoreline hearings board if applicable	Only if appealed, then before the shoreline hearings board if applicable	No	No	No
Judicial appeal.	Yes	Yes	Yes	Yes	Yes	Yes

SECTION 2. – Amendment. Chapter 12.05 of the Kent City Code is hereby amended to read as follows:

CHAPTER 12.05 MOBILE HOME PARKS

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Sec. 12.05.020. Purpose.

The purpose of this chapter is to provide rules, regulations, requirements, and standards for the development, closure, and change in use of mobile home parks in the city, insuring that the public health, safety, general welfare and aesthetics of the city shall be promoted and protected; that orderly growth, development, and the conservation, protection, and proper use of land shall be insured; that property provisions for all public facilities, including circulation, utilities, and services shall be made; that maximum advantage of site characteristics shall be taken into consideration and that conformance with provisions set forth in the city comprehensive plan, zoning code and subdivision code shall be insured.

Sec. 12.05.030. Scope.

This chapter applies to any acquisition of land, improvement of land, or the development of land for mobile home park use. This chapter applies to the closure or change in use of mobile home parks. This chapter shall apply to all lands within the corporate boundaries of the city. Where this chapter imposes greater restrictions or higher standards upon the development of land than other laws, ordinances, codes or restrictive covenants, the provisions of this chapter shall prevail. Any expansion, reconstruction, or modification of an existing mobile home park shall comply with the standards, specifications, and procedures of this chapter. Any units brought into an existing mobile home park, any mobile home relocated on its own lot or onto any other lot, and any additions to the structure or structures present on any lot, e.g., storage buildings, canopies, decks, patios, fences, etc., must comply with this chapter as well as all other applicable city codes and regulations.

Sec. 12.05.040. Enforcement.

A. Inspection. In regard to the closure or change in use of mobile home parks, it shall be the duty of the manager of housing and human services to enforce the applicable provisions of this chapter. In regard to all of the remaining provisions of this chapter, ~~it~~ shall be the duty of the building official to enforce ~~all the applicable~~ provisions of this chapter after a final site plan has been approved. The manager of housing and human services and the building official may inspect any mobile home park in order to verify compliance with this chapter. Each mobile home shall be inspected when it is placed on a mobile home lot to insure that all setback, separation requirements, etc., are met. Such inspection shall be performed at the time such mobile home is placed on the lot or as soon thereafter as is reasonably practicable. Failure to make such inspection shall not constitute a waiver of any of the provisions of this chapter. For inspection purposes, the manager of housing and human services and the building official or their ~~his~~ duly authorized representative shall have the right and is hereby empowered to enter any mobile home park.

B. Enforcement. The code enforcement division of the fire department may require a permit for the placement of a mobile home on a lot and may charge for such permit. If, after due investigation, the building official determines that any provision of this chapter has been violated, the mobile home park owner shall have fourteen (14) days to remedy the violations. If the violations are not corrected within fourteen (14) days, the violations shall be forwarded to the city attorney for action under KCC 12.05.300, Penalties. If, after due investigation, the manager of housing and human services determines that a provision of this chapter has been violated, enforcement action may be taken under KCC 12.05.360.

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Sec 12.05.320. Eviction notices for change of use or closure of a mobile home park.

A. Before a mobile home park owner may issue eviction notices pursuant to a closure or change of use under RCW Chapter 59.21, the mobile home park owner must first submit to the housing and human services office a relocation report and plan that meets the requirements of KCC 12.05.330. If applying for a change of use, the mobile home park owner shall submit the relocation report and plan together with all other necessary applications. Once the manager of housing and human services determines that the relocation report and plan meets the requirements of KCC 12.05.330, the manager of housing and human services shall stamp his or her approval on the relocation report and plan and return a copy of the approved plan to the mobile home park owner. If the manager of housing and human services determines that the relocation report and plan does not meet the requirements of KCC 12.05.330, the manager of housing and human services may require the mobile home park owner to amend or supplement the relocation report and plan as necessary to comply with this chapter before approving it.

B. No sooner than upon approval of the relocation report and plan, the owner of the mobile home park may issue the twelve (12) month eviction notice to the mobile home park tenants. The eviction notice shall comply with RCW 59.20.080 and RCW 59.21.030, as amended. No mobile home owner who rents a mobile home lot may be evicted until the twelve (12) month notice period expires, except pursuant to the State Mobile Home Landlord-Tenant Act, Chapter 59.20 RCW.

Sec. 12.05.330. Relocation report and plan.

A. The relocation report and plan shall describe how the mobile home park owner intends to comply with RCW Chapters 59.20 and 59.21, relating to mobile home relocation assistance, and with KCC 12.05.320 through 12.05.370. The relocation report and plan must provide that the mobile home park owner will assist each mobile home park tenant household to relocate, in addition to making any State or Federal required relocation payments. Such assistance must include providing tenants an

inventory of relocation resources, referring tenants to alternative public and private subsidized housing resources, helping tenants obtain and complete the necessary application forms for State-required relocation assistance, and helping tenants to move the mobile homes from the mobile home park. Further, the relocation report and plan shall contain the following information:

1. The name, address, and family composition for each mobile home park tenant household, and the expiration date of the lease for each household;

2. The condition, size, ownership status, HUD and State Department of Labor & Industries certification status, and probable mobility of each mobile home occupying a mobile home lot;

3. Copies of all lease or rental agreement forms the mobile home park owner currently has in place with mobile home park tenants;

4. To the extent mobile home park tenants voluntarily make such information available, a confidential listing of current monthly housing costs, including rent or mortgage payments and utilities, for each mobile home park tenant household;

5. To the extent mobile home park tenants voluntarily make such information available, a confidential listing of gross annual income for each mobile home park tenant household;

6. An inventory of relocation resources, including available mobile home spaces in King, Snohomish, Kitsap and Pierce Counties;

7. Actions the mobile home park owner will take to refer mobile home park tenants to alternative public and private subsidized housing resources;

8. Actions the mobile home park owner will take to assist mobile home park tenants to move the mobile homes from the mobile home park;

9. Other actions the owner will take to minimize the hardship mobile home park tenant households suffer as a result of the closure or conversion of the mobile home park; and

10. A statement of the anticipated timing for park closure.

B. The manager of housing and human services may require the mobile home park owner to designate a relocation coordinator to administer the provisions of the relocation report and plan and work with the mobile home park tenants, the housing and human services office, and other city and State offices to ensure compliance with the relocation report and plan and with State laws governing mobile home park relocation assistance, eviction notification, and landlord/tenant responsibilities.

C. The owner shall make available to any mobile home park tenant residing in the mobile home park copies of the proposed relocation report and plan, with confidential information deleted. Within fourteen (14) days of the manager of housing and human service's approval of the relocation report and plan, a copy of the approved relocation report and plan shall be mailed by the owner to each mobile home park tenant.

D. The mobile home park owner shall update with the housing and human services office the information required under this section to include any change of circumstances occurring after submission of the relocation report and plan that affects the relocation report and plan's implementation.

Sec. 12.05.340. Certificate of completion of the relocation report and plan.

No mobile home park owner may close a mobile home park, or obtain final approval of a comprehensive plan or zoning redesignation until the mobile home park owner obtains a certificate of completion from the housing and human services office. The manager of housing and human services shall issue a certificate of completion only if satisfied that the owner has complied with the provisions of an approved relocation report and plan, the eviction notice requirements of RCW 59.20.080 and 59.21.030, the relocation assistance requirements of RCW 59.21.021, and any additional requirements imposed in connection with required city applications.

Sec. 12.05.350. Notice of provisions.

It is unlawful for any party to sell, lease or rent any mobile home or mobile home park rental space without providing a copy of any relocation report and plan to the prospective purchaser, lessee, or renter, and advising the same, in writing, of the

provisions of KCC 12.05.320 through 12.05.370 and the status of any relocation report and plan.

Sec. 12.05.360. Administration.

The manager of housing and human services shall administer and enforce KCC 12.05.320 through 12.05.370. Whenever an owner or an owner's agent fails to comply with the provisions of KCC 12.05.320 through 12.05.370, the following may occur:

A. The manager of housing and human services may deny, revoke, or condition a certificate of completion, a permit, or another approval;

B. Any other appropriate city official may condition any permit or other approval upon the owner's successful completion of remedial actions deemed necessary by the manager of housing and human services to carry out the purposes of KCC 12.05.320 through 12.05.370.

Sec. 12.05.370. Appeal.

Any appeal from a determination of the manager of housing and human services under KCC 12.05.320.A., 12.05.340, and 12.05.360.A., shall be an open record hearing filed within fourteen (14) days of the determination in accordance with the procedures established for Process I applications under KCC chapter 12.01.

Sec. 12.05.380. Closure and government sponsorship.

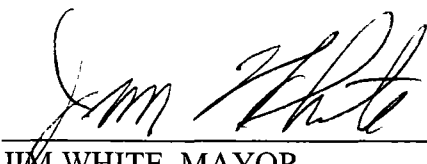
A. If an eminent domain action by a Federal, State or local agency causes closure of a mobile home park and the procedures set forth in the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act, 42 U.S.C. 4601 et seq., and the regulations of 49 CFR Part 24 or the Relocation Assistance – Real Property Acquisition Policy Act of Chapter 8.26 RCW and the regulations of Chapter 468-100 WAC are followed, the requirements of those acts and regulations will supersede the requirements of KCC 12.05.320 through 12.05.370.

B. If a condemnation action of the city causes closure of a mobile home park, the city will be responsible for fulfilling the requirements of the standards contained

herein. If the city chooses to follow portions of the State act and regulations and the manager of housing and human services and the director of public works determine that there is a conflict or redundancy between the portions of the State act and regulations being followed by the city, and the standards contained herein, the State act shall take precedence in such areas of conflict or redundancy. If the State act is followed in all respects, such act will supersede the requirements of this section and the standards contained herein.

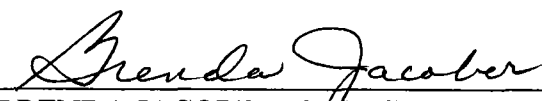
SECTION 3. – Severability. If any one or more section, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

SECTION 4. – Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after passage as provided by law.

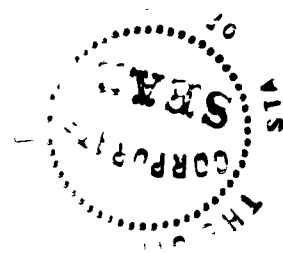


JIM WHITE, MAYOR

ATTEST:



BRENDA JACOBES, CITY CLERK



APPROVED AS TO FORM:



TOM BRUBAKER, CITY ATTORNEY

PASSED: 17 day of September, 2002.

APPROVED: 17 day of September, 2002.

PUBLISHED: 21 day of September, 2002.

I hereby certify that this is a true copy of Ordinance No. 3614
passed by the City Council of the City of Kent, Washington, and approved by the
Mayor of the City of Kent as hereon indicated.

Brenda Jacober (SEAL)
BRENDA JACOBER, CITY CLERK

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