

ORDINANCE NO. 5746

AN ORDINANCE OF THE CITY OF AUBURN, WASHINGTON  
AUTHORIZING A NEW SECTION AND CHAPTER 14.20 OF THE  
AUBURN CITY CODE AND AMENDING SECTION 14.03.010 OF  
THE AUBURN CITY CODE, RELATING TO CLOSURE 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 Auburn Comprehensive Plan includes policy direction to assist low-income households displaced as a result of redevelopment to find affordable housing in accordance with state and federal laws and regulations; and

WHEREAS, the City recognizes the property rights of owners of property in the City, and also recognizes the need to balance those rights with the public impacts of displacing a large number of households in a short period of time; and

WHEREAS, the City of Auburn seeks to establish regulations for the closure 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 AUBURN, WASHINGTON, DOES  
HEREBY ORDAIN as follows:

SECTION ONE. – Creation of Chapter to Auburn Municipal Code. A new Chapter 14.20 of the Auburn City Code is created to read as follows:

CHAPTER 14.20  
MOBILE HOME PARK CLOSURE

Sections

14.20.010	Purpose.
14.20.020	Scope.
14.20.030	Enforcement.
14.20.040	Exceptions.
14.20.050	Penalties.
14.20.060	Liability.
14.20.070	Eviction notices for change of use or closure of a mobile home park.
14.20.080	Relocation report and plan.
14.20.090	Certificate of completion of the relocation report and plan.
14.20.100	Notice of provisions.
14.20.110	Administration.
14.20.120	Appeal.
14.20.130	Closure and government sponsorship.

14.20.010 Purpose.

The purpose of this Chapter is to provide rules, regulations, requirements, and standards for the closure or change of use of mobile home parks in the City, insuring that the public health, safety, and general welfare of the City shall be promoted and protected; that orderly growth, development, and proper use of land shall be insured; and that conformance with provisions set forth in the City comprehensive plan are followed.

14.20.020            Scope.

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.

14.20.030    Enforcement.

Inspection. Regarding the closure of mobile home parks, it shall be the duty of the Planning Director to enforce the applicable provisions of this Chapter. The Planning Director and/or his/her designee may inspect any mobile home park in order to verify compliance with this Chapter. Failure to make such inspection shall not constitute a waiver of any of the provisions of this Chapter. For inspection purposes, the Planning Director and/or his/her duly authorized representative shall have the right and is hereby empowered to enter any mobile home park.

14.20.040    Exceptions.

Upon proper application by the affected property owner to the City's Hearing Examiner, pursuant to the provisions of the Auburn City Code (ACC), and following a public hearing on the application, the Hearing Examiner may grant an exception from the requirements of this Chapter when undue hardship may be created as a result of strict compliance with the provisions of this Chapter. In deciding any exception, the Hearing Examiner may prescribe conditions that he/she deems necessary to or desirable for the public interest. No exceptions shall be granted unless the Hearing Examiner finds that:

1. There are special physical circumstances or conditions affecting the property such that the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use or development of his land; and

2. The exception is necessary to insure such property the rights and privileges enjoyed by other properties in the vicinity and under similar circumstances; and

3. The granting of the exception will not be detrimental to the public health, safety and welfare or injurious to the property in the vicinity.

#### 14.20.050 Penalties.

Any person, firm, corporation or association, or any agent of any person, firm, corporation or association who violates the provisions of this Chapter shall be guilty of a misdemeanor and upon conviction be subject to a fine not to exceed One Thousand Dollars (\$1,000) for each such violation, or imprisonment for a period not to exceed ninety (90) days, or both such fine and imprisonment

#### 14.20.060 Liability.

This Chapter shall not be construed to relieve from or lessen the responsibility of any person closing a mobile home park in the City for damages to anyone injured or damaged either in person or property by any defect therein; nor shall the City or any agent thereof be held as assuming such liability by reason of any preliminary or final approval or by issuance of any permits or certificates authorized herein.

#### 14.20.070 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 Planning and Community Development Department a relocation report and plan that meets the requirements of ACC 14.20.080. 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 Planning Director determines that the relocation report and plan meets the requirements of ACC 14.20.080, the Planning Director shall approve the relocation report and plan and return a copy of the approved plan to the mobile home park owner. If the Planning Director determines that

the relocation report and plan does not meet the requirements of ACC 14.20.080, the Planning Director 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 closure notice to the mobile home park tenants. The closure 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.

#### 14.20.080 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 ACC 14.20.070 through 14.20.120. 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/or 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 space rent, mobile home rent or other 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, as well as mobile home age or size restrictions each park may have in place;

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 Planning Director 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 Planning and Community Development Department, 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 Planning Director'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 Planning and Community Development Department 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.

14.20.090 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 Planning and Community Development Department. The Planning Director 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.

14.20.100 Notice of provisions.

It is unlawful for any party who is required to submit a relocation report and plan to the City pursuant to this Chapter to sell, lease or rent any mobile home or mobile home park rental space without providing a copy of such relocation report and plan to the prospective purchaser, lessee, or renter, and advising the same, in writing, of the provisions of ACC 14.20.070 through 14.20.120 and the status of such relocation report and plan.

14.20.110 Administration.

The Planning Director shall administer and enforce ACC 14.20.070 through 14.20.120. Whenever an owner or an owner's agent fails to comply with the provisions of ACC 14.20.070 through 14.20.120, the following may occur:

A. The Planning Director may deny, revoke, or condition a certificate of completion, a permit, or another approval;

B. Any other City permits or approvals may be conditioned on the owner's successful completion of remedial actions deemed necessary by the Planning Director to carry out the purposes of ACC 14.20.070 through 14.20.120.

14.20.120 Appeal.

Any appeal from a determination of the Planning Director under ACC 14.20.070.A., 14.20.090, and 14.20.110.A shall be filed within fourteen (14) days of the determination and shall be processed in accordance with the procedures established for appeals of administrative decisions under ACC 18.70.050.

14.20.130 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 USC 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 ACC 14.20.070 through 14.20.120.

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 Planning Director 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 TWO Code Amendment. Section 14.03.010 of the Auburn City Code is hereby amended to read as follows:



14.03.010 Type I decisions.

Type I decisions are administrative decisions made by the city which are not subject to environmental review under the State Environmental Policy Act (SEPA) codified at Chapter 43.21C RCW. Type I decisions include, but are not limited to, the following project applications:

- A. Building permit;
- B. Plumbing permit;
- C. Mechanical permit;
- D. Utility permit;
- E. Special permit;
- F. Excavation permit;
- G. Land clearing permit;
- H. Grading permit;
- I. Flood control zone permit;
- J. Public facility extension agreement;
- K. Right-of-way use permit;
- L. Lot line adjustment;
- M. Home occupation permit;
- N. Temporary use permit (administrative);
- O. Administrative use permit;
- P. Short subdivision (plat).

Q. Mobile Home Closure Plans

(Ord. 4835 § 1, 1996.)

SECTION THREE. – Implementation. The Mayor is authorized to implement such administrative procedures as may be necessary to carry out the directives of this legislation, including measures to verify compliance with the provisions hereof.

SECTION FOUR. – 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 FIVE. – Effective Date. This ordinance shall take effect and be in force five (5) days after publication as provided by law.

INTRODUCED: MAR 17 2003  
PASSED: MAR 17 2003  
APPROVED: MAR 17 2003

  
PETE B. LEWIS, MAYOR

ATTEST:

  
DANIELLE DASKAM, CITY CLERK

APPROVED AS TO FORM:

  
DANIEL B. HEID, CITY ATTORNEY *Asst City Atty*

PUBLISHED: 3/21/03