

Section 445 Manufactured Home Park Closings.

445.01. Purpose. In view of the unusual nature of the problems presented by the closure or conversion of manufactured home parks, the City Council finds that the public health, safety and general welfare will be promoted by requiring compensation to displaced residents of such parks. The purpose of this Ordinance is to require park owners to pay displaced residents reasonable relocation costs and purchasers of manufactured home parks to pay displaced residents additional compensation, pursuant to the authority granted under Minnesota Statutes, Section 327C.095.

445.03 Definitions. The following words and phrases when used in this Ordinance shall have the following meanings:

Subd. 1. "Closure Statement" means a written statement prepared by the park owner clearly stating the manufactured home park is closing, addressing the availability, location and potential costs of adequate replacement housing within a 25 mile radius of the manufactured home park that is closing and the probable relocation costs of the manufactured homes located in the manufactured home park. The Closure Statement shall also contain detailed information as to the availability, location and potential costs of other manufactured home parks located within a 25 mile radius of the manufactured home park that is being closed.

Subd. 2. "Displaced Resident" means an owner of manufactured home located on a lot in a manufactured home park within the City who rents such lot and occupies such manufactured home as his or her principal residence as of the date the City's Planning Agency receives a copy of a Closure Statement pursuant to the Statute and who will be displaced by the park closing.

Subd. 3. "Lot" means an area within a manufactured home park, designed or used for the accommodation of a manufactured home.

Subd. 4. "Manufactured Home" means a structure, not affixed to or part of real estate, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical system contained in it.

Subd. 5. "Manufactured Home Park" means any site, lot, field or tract of land upon which two or more occupied manufactured homes are located, either free of charge or for compensation, and includes any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of the manufactured home park. Manufactured home park does not include facilities which are open only during three or fewer seasons of the year.

Subd. 6. "Park Closing" means the conversion of all or a portion of a manufactured home park to another use, closure of all or a portion of a manufactured home park or cessation of use of all or a portion of the land comprising a manufactured home park as a manufactured home park.

Subd. 7. "Park Owner" means the owner of a manufactured home park.

Subd. 8. "Person" means any individual, corporation, firm, partnership, incorporated and unincorporated association or any other legal or commercial entity.

Subd. 9. "Relocation Costs" means the reasonable cost of relocating a manufactured home to another manufactured home park located within a 25 mile radius of the manufactured home park at which the park closing is to occur and shall include and be limited to:

- a) The actual expenses incurred in moving the displaced resident's manufactured home and personal property, including the reasonable cost of disassembling, moving and reassembling any attached appurtenances which were not acquired after service of the closure statement on the displaced resident, such as porches, decks, skirting and awnings, and utility hookup charges.
- b) The cost of insurance, while the manufactured home is being moved, for the replacement value of the manufactured home.
- c) The cost of such repairs or modifications as are necessary in order to take down, move and set up the manufactured home in the name manufactured home park.

Subd. 10. "The Statute" means Minnesota Statutes Section 327.C095, as amended.

445.05. Service of Closure Statement; Public Hearing; Relocation Costs. At least nine (9) months before a park closing, the park owner shall prepare a closure statement and serve a copy thereof on the City's Planning Agency by certified or registered mail at the following address:

Zoning Administrator  
City of Hopkins  
1010 First Street South  
Hopkins, MN 55343

The Planning Agency shall submit a copy of the closure statement to the City Council and request the City Council to hold a public hearing. Prior to the public hearing, the park owner shall provide the City Council with such additional information as the Council may request in order to assess the impact of the park closing. No later than sixty (60) days after the date of service of the closure statement on the Zoning Administrator, the City Council shall conduct the public hearing required by the Statute for the purpose of reviewing the closure statement and determining what impact the manufactured home park closing may have on the displaced residents and the park owner. In addition, before a park closing and as a condition thereof, the City Council shall require the payment of relocation costs and additional compensation to displaced residents as provided in Section 445.07 and 445.09 of this Ordinance.

445.07. Payment of Relocation Costs. Subdivision 1. Within a reasonable time after service of the closure statement on a displaced resident by the park owner, such displaced resident shall obtain and submit to the park owner adequate written estimate(s) or proposal(s) for relocation costs from a contractor or contractors qualified to relocate manufactured homes. In the alternative, a displaced resident may submit to the park owner written evidence establishing that the displaced resident's manufactured home cannot be relocated within a 25 mile radius of the park that is being closed. Notwithstanding the provisions of Section 445.15, Subd. 1 of this Ordinance, failure by a displaced resident to provide the estimate(s), proposal(s) or other written evidence to the park owner required by this section shall not be a misdemeanor. After receiving such estimate(s), proposal(s) or written evidence of fifteen (15) days, be entitled to obtain one additional estimate or proposal from a qualified relocation contractor and require that the relocation services be performed by the lowest responsible bidder. The park owner shall pay the relocation costs actually incurred to relocate each displaced resident's manufactured home subject to the limitations stated in Subd. 3 of this Section.

Subd. 2. If a displaced resident cannot relocate the manufactured home to another manufactured home park within a 25 mile radius of the manufactured home park that is being closed, such displaced resident shall have the option to elect to receive an amount equal to the average relocation costs paid to displaced residents who do relocate their manufactured homes within 25 miles. This option shall be exercised by giving written notice of such election to the park owner. Upon receipt of such notice, the park owner shall be required to pay the displaced resident an amount equal to the average relocation costs paid to displaced residents who do relocate their manufactured homes within 25 miles. A displaced resident compensated under this subdivision shall retain title to the manufactured home and shall be responsible for its prompt removal from the manufactured home park.

Subd. 3. The total amount of relocation costs payable to a displaced resident under this Section shall not exceed \$2,500.00 for a single section manufactured home and \$4,000.00 for a double section manufactured home. These amounts shall be increased on January 1 of each year commencing January 1, 1992 based upon the change in the Consumer Price Index, Minneapolis St. Paul, for all urban consumers ("CPIU") as published by the Bureau of Labor Statistics of the U.S. Department of Labor. The amount of increase shall be equal to the percentage of increase in the CPIU on the date of adjustment over the CPIU in effect on January 1 of the preceding year.

Subd. 4 The park owner shall make the payments required by this Section at such time as the manufactured home for which such park owner may make direct payment to the person performing relocation services, but, upon proof of payment of relocation costs by a displaced resident, shall reimburse the displaced resident directly for relocation costs.

445.09. Payment of Additional Compensation. A displaced resident who cannot relocate a manufactured home within a 25 mile radius of the manufactured home park that is being closed and who does not elect to be compensated under Subd. 2 of Section 445.07 of this Ordinance is entitled to additional compensation in order to mitigate the adverse financial impact of the park closing. Such additional compensation shall be paid by the person purchasing or otherwise acquiring the manufactured home park from the park owner and by such other persons as the City Council shall deem appropriate. A displaced resident shall exercise the entitlement to receive additional compensation under this Section by serving written notice on the park owner that the displaced resident is prepared to tender the title to the manufactured home. The additional compensation due the displaced resident upon transfer of title to the manufactured home shall be an amount equal to the estimated market value of the manufactured home as stated in the most recent personal property tax statement for the manufactured home. Such additional compensation shall be paid to the displaced resident no later than thirty (30) days prior to the park closing. As a condition of receiving such additional compensation, the displaced resident shall transfer title to the manufactured home to the person paying the additional compensation free and clear of all liens and encumbrances. The City Council may require that an escrow account, in an amount sufficient to pay the additional compensation required by this Section, be established by the person required to pay the additional compensation.

445.11. Limitation of Relocation Costs and Additional Compensation. The total amount of relocation costs and additional compensation to be paid to displaced residents pursuant to Sections 445.07 and 445.09 of this Ordinance shall not exceed the greater of twenty percent (20%) of the estimated market value of the manufactured home park, as stated in the real property tax statement for the year in which the closure statement is served on the Zoning Administrator, or twenty percent (20%) of the sale price of the manufactured home park. In the event the total of the relocation costs and additional compensation payable to displaced residents under Sections 445.07 and 445.09 of this Ordinance exceeds this limitation, the relocation costs or additional compensation payable to each displaced resident shall be decreased proportionately so that the total of relocation costs and additional compensation does not exceed the limitation stated in this Section.

445.13. Verification of Relocation Costs. As a condition of its liability to pay relocation costs, the park owner shall be entitled to receive adequate documentation of relocation costs, including costs of proposals, invoices, estimates and contracts for relocation services, from the displaced resident.

445.15. Penalties. Subdivision 1. Violation of any provision of Sections 445.01-445.13 of this Ordinance shall be a misdemeanor.

Subd. 2. The provisions of this Ordinance may be enforced by injunction or other appropriate civil remedy.

Subd. 3. Approval of any application for a building permit, rezoning, platting, subdivision, conditional use permit, special use permit or variance in conjunction with a park closing shall be conditioned upon the requires of this Ordinance for payment of location costs and additional compensation having been satisfied.

445.17 Intent of Ordinance. Subdivision 1. This Ordinance does not supersede the Statute. Park owners shall comply with all of the requirements of the Statute and of this Ordinance.

Subd. 2. This Ordinance is intended to entitle only displaced residents to receive payment of relocation costs and additional compensation. Owners of manufactured homes who are not displaced residents are not entitled to such payments.

Subd. 3. This Ordinance shall not be interpreted to require payment or relocation costs or additional compensation by the City.

(Section 445 was added by Ord. No. 90-678)