



INFORMATIONAL REPORT

DATE ISSUED: September 15, 2008
REPORT NO: HCR 08-94
SUBJECT: Mobile Home Community Issues Committee Annual Report

NO ACTION IS REQUIRED ON THE PART OF THE HOUSING COMMISSION

SUMMARY

In accordance with the San Diego Housing Commission (Housing Commission) Mobile Home Mediation/Communication Policy (Attachment 1), an annual report is required at year-end on the impact of the policy on the City of San Diego's (City) mobile home community.

BACKGROUND

The Housing Commission Board originally approved the Mobile Home Mediation/Communication Policy in 1991 to provide for a mediated dispute resolution process between mobile home owners and park owners, and to form a Mobile Home Community Issues Committee (MHCIC). The purpose of the MHCIC was to guide and enhance the mediation process and suggest direction to the Housing Commission on mobile home policy matters. The MHCIC schedules quarterly meetings to discuss issues that affect the mobile home community, current mediations and dispute resolutions. The meetings are facilitated by the National Conflict Resolution Center (NCRC).

In FY08, NCRC facilitated three meetings of the MHCIC. They worked with current committee members, many of whom have been on the Committee since its inception. NCRC assisted Housing Commission staff in scheduling meetings, preparing agendas and minutes for meetings of the MHCIC. NCRC helped the MHCIC review and eventually approve language in the Mobile Home Relocation Policy. The MHCIC also conducted a "right to first refusal" analysis and discussed the implications for the mobile home community. No mediations were conducted in FY08.

NCRC will continue to provide mediation services on an as-needed basis to park owners and mobile home owners to provide dispute resolution at parks, as well as enhance communication between park owners, home owners, and neighbors living in the parks. NCRC provides a full range of services, including outreach and information; various levels of dispute resolution to mitigate an issue; and when necessary, a formal mediation process.

CONCLUSION

During FY08, the Housing Commission Mobile Home Mediation/Communication Policy functioned in accordance with its original intent and purpose. The MHCIC served the mobile home community as a valuable dispute resolution resource and provided the Housing Commission with input on mobile home issues


(September 15, 2008)
(Mobile Home Community Issues Committee Annual Report)
Page 2

Respectfully submitted,



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Director, Policy &
Public Affairs

Approved by,



Carrol M. Vaughan
Executive Vice President &
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Attachment:

1. Mobile Home Mediation/Communication Policy

ATTACHMENT 1

HOUSING COMMISSION MOBILE HOME MEDIATION/COMMUNICATION POLICY (revised December, 2006)

1. PURPOSE

- 1.1 Mobile home owners generally have a 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 style of mobile homes permitted in many parks, and problems related to the installation of mobile homes, including permits, landscaping and site preparation. Additionally, the cost of moving a mobile home is substantial, the risk of damage in moving is significant, and any surrounding improvements are usually sacrificed in the process. This lack of mobility creates a unique relationship between mobile home owners and mobile home park owners.
- 1.2 The Housing Commission 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.
- 1.3 The purpose of this policy is: 1) to establish a mediation process for the resolution of disputes between mobile home owners and mobile home park owners, and 2) to establish a standing committee to advise on unresolved disputes and to address mobile home issues.

2. ADMINISTRATION

- 2.1 Administration of the provisions of this policy shall be under the general direction of the Executive Director of the San Diego Housing Commission.

3. DEFINITIONS

- 3.1 The Housing Commission shall select a mediation entity to conduct mediation services.
- 3.2 Mediation shall mean a voluntary process whereby disputing parties come together with a professionally trained mediator(s) who help(s) them clarify their differences and work to design their own agreement.

- 3.3 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 policy 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.
- 3.4 Mobile Home Owner or Home Owner shall mean a person who has a tenancy in a mobile home park.
- 3.5 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.
- 3.6 Mobile Home Community Issues Committee shall mean a board of nine members and seven alternates appointed by the Housing Commission to conduct meetings on disputes unresolved by mediation and to address mobile home issues in general.
- 3.7 Mobile Home officer shall mean the Housing Commission staff member assigned the responsibility of coordinating with mediation consultant scheduling meetings, preparing agendas and reports, and other related activities as required by the Committee.

4. INITIATION OF MEDIATION PROCESS

- 4.1 Any Mobile Home Owner and any Mobile Home Park Owner 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.

5. MEDIATION

- 5.1 The mediation entity shall schedule mediation within a reasonable number of days of receipt of a mediation request.
- 5.2 Mediation shall be conducted in accordance with standard mediation procedures.
- 5.3 Only the appointed mediator (s) and no more than six representatives each chosen by the Mobile Home Owners and the Mobile Home Park owners may attend the

mediation. The representatives for each party shall attend the scheduled mediation and present any applicable information.

- 5.4 Mediation is to be completed no later than 60 days after the first meeting, as scheduled in 5.1.
- 5.5 If no agreement is reached through mediation, a meeting will be scheduled before the Mobile Home Community Issues Committee upon the request of one or both parties.

6. COST OF MEDIATION

- 6.1 Funding for mediation services shall be provided by the Housing Commission for the first year of operation with subsequent funding to be determined by the Commission on an annual basis. Donations to defray the cost of mediation will be accepted.

7. MOBILE HOME COMMUNITY ISSUES COMMITTEE

- 7.1 The Committee shall consist of nine members and seven alternate members: four Mobile Home Owners and three alternates, four Mobile Home Park Owners and three alternates and one other person with no vested interest in mobile home parks, or owning or managing a mobile home park within the City of San Diego, and one alternate.
- 7.2 For issues requiring a vote of the Committee, such as an unresolved issue referred from mediation, an alternate will vote only in the absence of a regular member.
- 7.3 The Committee members shall be appointed by the Housing Commission for a term of two years except that for the first Committee one Mobile Home Owner and one Mobile Home Park Owner shall serve for three years.
- 7.4 Any Committee member with more than three consecutive unexcused absences will be replaced.
- 7.5 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.

- 7.6 Scheduling and notices of meetings, record keeping and related activities, shall be the responsibility of the Mobile Home officer.
- 7.7 It shall be the responsibility of the Committee to conduct meetings: (i) at the request of any Mobile Home owner or any Mobile Home Park Owner on issues unresolved by the mediation entity mentioned in Paragraphs 3.1 and all of Paragraph 5 of this policy; (ii), on issues where either party chooses not to use the mediation entity; and, (iii) to address mobile home issues in general.
- 7.8 The presence of Committee members, with at least two Mobile Home Owners and two Mobile Home Park Owners, shall constitute a quorum. The affirmative vote of five members of the Committee is required for Committee recommendation on an issue or dispute.
- 7.9 At the conclusion of a meeting on a dispute, the Committee shall make a nonbinding recommendation to the parties and shall notify both parties of said recommendation by certified mail or by personal delivery.

8. ANNUAL REVIEW

- 8.1 An annual report summarizing the results of this policy will be prepared by the Mobile Home Officer and submitted to the Housing commission at the end of each fiscal year.