

FRIDLEY CITY CODE
CHAPTER 223. MANUFACTURED HOME PARK CLOSINGS
(Ref Ord 1151)

223.01. PURPOSE

In view of the peculiar nature and 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 additional compensation, pursuant to the authority granted under Minnesota Statutes, Section 327C.095.

223.02. DEFINITIONS

The following words and terms when used in this ordinance shall have the following meanings unless the context clearly indicates otherwise:

1. Closure Statement.

A statement prepared by the park owner clearly stating the park is closing, addressing the availability, location and potential costs of adequate replacement housing within a twenty-five (25) mile radius of the park that is closing and the probable relocation costs of the manufactured homes located in the park.

2. Displaced Owner.

A resident of an owner-occupied manufactured home who rents a lot in a manufactured home park, including the members of the resident's household, as of the date the park owner submits a closure statement to the City's Planning Commission.

3. Displaced Resident.

A displaced owner.

4. Lot.

An area within a manufactured home park, designed and used for the accommodation of a manufactured home.

5. Manufactured Home.

A structure, not affixed to or part of real estate, transportable in one of more sections, which in the traveling mode, is eight (8) feet or more in width or forty (40) feet or more in length, or, when erected on site, is three hundred twenty (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.

6. Park Closure.

A closure, conversion of use, or termination of use, whether in whole or in part, of a manufactured home park. For purposes of this definition, use shall mean any use related to the manufactured home park and related services.

7. Park Owner.

The owner of a manufactured home park.

8. Person.

Any individual, corporation, firm, partnership, incorporated and unincorporated association or any other legal or commercial entity.

9. Purchaser.

The person buying the manufactured home park from the park owner. In the event that the park owner intends to retain ownership and convert the park to a different use, all references to the purchaser refer to the park owner.

10. Relocation Cost.

The reasonable cost of relocating a manufactured home from a manufactured home park within the City of Fridley that is being closed or converted to another use to another manufactured home park within a twenty-five (25) mile radius of the park as follows:

A. Preparation for Move.

The reasonable costs incurred to prepare the eligible manufactured home for transportation to another site. This category includes crane services if needed, but not the cost of wheel axles, tires, frame welding or trailer hitches.

B. Transportation to Another Site.

Reasonable costs incurred to transport the eligible manufactured home and personal property within a twenty-five (25) mile radius. This category also includes the cost of insuring the manufactured home and contents while the home is in the process of being relocated, and the cost of obtaining moving permits provided that the park owner shall not be required to pay delinquent taxes on a manufactured home if necessary in order to obtain a moving permit. This category also includes the reasonable cost of disassembling, moving, and reassembling sheds and any attached appurtenances, such as porches, steps, decks, skirting, air conditioner units and awnings, which were acquired before the notice of closure or conversion of the park.

C. Hook-up at New Location.

The reasonable cost of connecting the eligible manufactured home to utilities at the relocation site, including crane services if needed. The park owner shall not be required to upgrade the electrical or plumbing systems of the manufactured home.

D. Insurance.

The cost of insurance for the replacement value of the property being moved.

Relocation costs do not include the cost of any repairs or modifications to the manufactured home needed to bring the home into compliance with the state and federal manufactured home building standards for the year in which the home was constructed. Relocation costs also do not include the cost of any repairs or modifications to the home or appurtenances needed to bring the home or appurtenances into compliance with the rules and regulations of the manufactured home park to which the manufactured home is to be relocated, if those rules and regulations are no more stringent than the rules and regulations of the park in which the home is located and the resident was notified of non-compliance with the rules and regulations of the park in which it is located within sixty (60) days prior to delivery of the closure statement.

223.03. PARK CLOSURE NOTICE

If a manufactured home park is to be closed, converted in whole or part to another use or terminated as a use of the property, the park owner shall, at least nine (9) months prior to the closure, conversion to another use or termination of use, provide a copy of a closure statement to a resident of each manufactured home and to the City's Planning Commission.

223.04. NOTICE OF PUBLIC HEARING

The City's Planning Commission shall submit the closure statement to the City Council and request the City Council to schedule a public hearing. The City shall mail a notice at least ten (10) days prior to the public hearing to a resident of each manufactured home in the park stating

the time, place and purpose of the hearing. The park owner shall provide the City with a list of the names and addresses of at least one displaced resident of each manufactured home in the park at the time the closure statement is submitted to the City's Planning Commission.

223.05. PUBLIC HEARING

A public hearing shall be held before the City Council after receipt of the closure statement for the purpose of reviewing the closure statement and evaluating what impact the park closing may have on the displaced residents and the park owner.

223.06. DISPLACED RESIDENT OBLIGATIONS

As a condition of receiving assistance under this Chapter, a displaced resident shall submit a contract or other verified cost estimate of relocation costs to the park owner for approval. If the park owner refuses to pay the contract or other verified cost estimate, the park owner must arrange for relocating the manufactured home and pay the actual relocation costs incurred. In the alternative, the displaced resident may submit a written statement to the park owner, identifying that the displaced resident either cannot or chooses not to relocate his or her manufactured home to another manufactured home park within a twenty-five (25) mile radius of the park to be closed and elects to receive either relocation assistance as defined in 223.07.02 or compensation as defined in 223.08.

223.07. ELECTION TO RELOCATE

1. After service of the closure statement by the park owner and upon submittal by the displaced resident of a contract or other verification of relocation expenses, the park owner shall pay to the displaced resident the reasonable costs as defined in 223.02.10 of relocating the manufactured home to another manufactured home park located within a twenty-five (25) mile radius of the park that is being closed, converted to another use, or ceasing operation.
2. If a displaced resident cannot or chooses not to relocate the manufactured home within a twenty-five (25) mile radius of the park which is being closed, and the displaced resident elects to retain title to the manufactured home, the displaced resident is entitled to relocation costs as defined in 223.02 based upon an average of the actual relocation costs paid to other displaced residents in the manufactured home park. For purposes of this section, in the event that it is not possible to calculate the average using this formula, the amount of compensation shall be based on the average of the estimated relocation costs submitted by other residents in the park.
3. A displaced resident compensated under this section shall retain title to the manufactured home and shall be responsible for its prompt removal from the manufactured home park.
4. The park owner shall make the payments under this section directly to the person performing the relocation services after performance thereof, or, upon submission of written evidence of payment of relocation costs by a displaced resident, shall reimburse the displaced resident for such costs.

5. The displaced resident must submit a contract or other verified cost estimate for relocating the manufactured home to the park owner as a condition to the park owner's liability to pay relocation expenses.

223.08. ELECTION TO RECEIVE COMPENSATION

If a displaced resident chooses not to relocate the manufactured home within a twenty five (25)-mile radius of the park that is being closed and tenders title of the manufactured home to the park owner, the displaced resident is entitled to compensation, to be paid by the purchaser of the park in order to mitigate the adverse financial impact of the park closing. In such instance, the compensation shall be an amount equal to:

1. The current fair market value of the manufactured home as determined by a real property appraiser licensed by the State of Minnesota, or
2. If no appraisal exists, the current assessed value for tax purposes of the manufactured home as established by Anoka County.

Under 223.08.01, the appraisal may be provided by either the displaced resident, the park owner or the purchaser. Any disputes over valuation shall be resolved through judicial action in Anoka County District Court. The purchaser shall pay such compensation into an escrow account, established by the park owner, for distribution upon transfer of title to the manufactured home. Such compensation shall be paid to the displaced resident sixty (60) days prior to closing of the park, conversion to another use, or later at resident option and the park owner shall receive title and possession of the manufactured home upon payment of such compensation.

223.09. LIMITATION ON TOTAL AMOUNT OF RELOCATION ASSISTANCE AND COMPENSATION PAID TO DISPLACED RESIDENTS

The total amount of relocation assistance and compensation paid to displaced residents of the manufactured home park, shall not exceed the greater of twenty percent (20%) of the County Assessor's estimated market value of the manufactured home park, as determined by the County Assessor for the year in which the park is scheduled to close, or twenty percent (20%) of the purchase price of the park.

223.10. APPLICABILITY

Relocation assistance and related compensation described under 223.02, 223.07 and 223.08 of this ordinance shall not apply in the event that a displaced resident receives compensation under the Uniform Relocation Act et. al. (42 U.S.C. 4601-4655).

223.11. PENALTIES

1. Violation of any provision of this ordinance shall be a misdemeanor.

2. Any provisions of this ordinance may be enforced by injunction or other appropriate civil remedy.

3. The City shall not issue a building permit in conjunction with reuse of manufactured home park property unless the park owner has paid reasonable location costs and the purchaser of the park has provided compensation in accordance with the requirements of the ordinance. Approval of any application for rezoning, platting, conditional use permit, planned unit development or variance in conjunction with a park closing or conversion shall be conditional on compliance with the requirements of this ordinance.