Memorandum

MIAMI-DADE COUNTY

Date: September 21, 2010

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

Agenda Item No. 7(G)

From: George M. Burgess
County Manager

Subject: Ordinance Establishing Regulatory Criteria for Protecting Mobile Home Park Unit Owners and Mobile Home Park Owners

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This item (Legistar No. 100448) was amended at Budget, Planning and Sustainability Committee (BPSC) Meeting of July 13, 2010, to remove Section 5 of the Ordinance pertaining to the two year look back provision.

Recommendation
It is recommended that the Board of County Commissioners adopt the attached ordinance establishing regulatory criteria to protect mobile home owners and mobile home parks. Specifically, the proposed ordinance establishes Sections 33-1(70.1), 33-169.1, 33-172.1, 33-310.2; and amends Sections 33-166, 33-169, 33-171, 33-172, 33-191, 33-311, and 33-314:

Scope
This ordinance applies to mobile home parks located within Unincorporated Miami-Dade County.

Fiscal Impact/Funding Source
The proposed ordinance creates no fiscal impact on Miami-Dade County.

Track Record/Monitor
The Department of Planning and Zoning will administer the mandates of this ordinance.

Background
On October 16, 2007, the Board of County Commissioners (BCC) adopted Resolution R-1161-07, imposing a temporary moratorium in the unincorporated area of Miami-Dade County to examine the appropriateness of existing zoning districts for mobile home park use. The moratorium postponed the issuance of building permits on 40 properties being utilized as mobile home parks. The temporary moratorium was subsequently extended by the BCC in February 2008 (Resolution No. R-167-08), May 2008 (Resolution No. R-567-08), October 2008 (Resolution No R-1115-08), February 2009 (Resolution No. R-144A-09), and June 2009 (Resolution No.R-647-09).

On November 3, 2009, the BCC adopted Resolution R-1230-09 extending the temporary moratorium for 120 days in order to provide time for BCC consideration of the proposed Mobile Home Owner Resident Protection ordinance and the proposed Villa Development Zoning District.

The proposed amendment to the Mobile Home ordinance codifies the statutory requirements (Chapter 723, Florida Statutes) for development applications on properties being utilized as mobile home parks. The proposed ordinance sets forth standards to ensure compliance with the statutory requirements regarding availability of alternative housing for mobile home unit owners and provides certain additional notice requirements for any proposed development that would result in the removal or relocation of mobile home owners. In addition, the proposed amendments allow for more

flexibility to maintain smaller mobile home parks of five acres or more and add manufactured homes up to two stories in height.

Specifically, the proposed ordinance:

(1) Defines manufactured home in the Zoning Code (Sec. 33-1(70.1)) and provides for the use of manufactured homes in mobile home parks (Sec. 33-172)

(2) Expands the legislative intent of the County to recognize that mobile home parks provide alternative forms of affordable housing and that the impacts on the supply of this housing type shall be considered when hearing rezoning requests to change the use of land which is used as a mobile home park(Sec. 33-166)

(3) Creates a requirement that mobile home parks receive an annual certificate of use which will review the vacancy rate of the park and check for nuisances such as junk and trash and overgrowth. (Sec. 33-169)

(4) Establishes a procedure for the review of requests for development actions impacting mobile home park property (Sec. 33-169.1)
   a. Application must demonstrate that there exit adequate or suitable affordable housing facilities appropriate to the financial and other needs of the specific population of mobile home owners
   b. Information will be required on the profile of resident mobile home owners; available mobile home lot spaces in other parks, other available alternative affordable housing meeting the profile of the mobile home unit owners
   c. Submittal of a relocation and alternative housing closure plan detailing how the park owners will communicate and facilitate referrals of residential home unit owners to alternative public and private housing resources as well as applicable benefits through the state of Florida Mobile Home Relocation Corporation
   d. Requires affidavit of the mobile home park owner that they will comply with state closure requirements in good faith
   e. Review of the code enforcement history concerning the mobile home park property

(5) Reduces the acreage requirement for a mobile home park from thirty (30) acres down to five (five) acres (Sec. 33-171)

(6) Allows mobile homes or manufactured homes up to two stories in height (Sec. 33-172.1)

(7) Requires the County to report all complaints of violations of Chapter 723 (Mobile Home Parks) to the appropriate state agency which oversees enforcement of state regulations in mobile home parks. (Sec. 33-191)

(8) Provides for posting information on park property when a request is made for a development action concerning a mobile home park property; provides similar means to communicate the outcome of the development action request; mobile home unit owners have the opportunity to appeal the development action decision (Sec. 33-310.2)

(9) Provides for appeals of development action decisions to the appropriate Community Council Zoning Appeals Board (Sec. 33-311)

(10) Provides for appeals of the Community Council decision to the Board of County Commissioners (Sec. 33-314).

Alex Muñoz
Assistant County Manager

MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: September 21,2010

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 7(G)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(G)
9-21-10

ORDINANCE NO. _____

ORDINANCE PERTAINING TO ZONING REGULATION OF MOBILE HOME PARKS AND PARK REDEVELOPMENT; PROVIDING DEFINITION OF MANUFACTURED HOME; REQUIRING ANNUAL CERTIFICATE OF USE FOR MOBILE HOME PARKS; REQUIRING DISCLOSURES IN CONNECTION WITH APPLICATIONS FOR CERTAIN ZONING ACTIONS AND DEVELOPMENT PERMITS AS PART OF RELOCATION PROTECTION PLAN; MODIFYING CERTAIN SIZE AND HEIGHT REQUIREMENTS FOR MOBILE HOME PARKS AND LOT SPACES; REQUIRING REFERRAL OF COMPLAINTS TO STATE AGENCY; PROVIDING JURISDICTION FOR APPEALS OF ADMINISTRATIVE DECISIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 33-1(70.1) of the Code of Miami-Dade County is hereby created as follows:

>>(70.1) *Manufactured home.* A mobile home fabricated on or after June 15, 1976, in an offsite manufacturing facility for installation or assembly at the building site, with each section bearing a seal certifying that it is built in compliance with the federal Manufactured Home Construction and Safety Standard Act.<<

Section 2. Sec. 33-166 of the Code of Miami-Dade County is hereby amended as follows:[1]

Sec. 33-166. Purpose and intent

It is the purpose and intent of this article to provide regulations to control the use of mobile homes and to establish standards for mobile home parks which will promote the placement of parks in appropriate locations where there exist or would be provided the basic amenities and services akin to those in low- and medium-density areas, and to provide for the grouping of these mobile home units to make an efficient aesthetically pleasing use of land within the mobile home community so that a high-quality residential area will be created and maintained

[1] Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

for the benefit of the mobile home community and adjacent properties and the public as a whole.

>>*Mobile home parks provide alternative forms of housing and add to the diversity of affordable housing opportunities for the residents of unincorporated Miami-Dade County. It is the goal of the Board of County Commissioners of Miami-Dade County to preserve the diversity and stock of low cost housing alternatives. The Board of County Commissioners and the Community Zoning Advisory Boards will evaluate the impacts to the available supply of this form of low cost housing when hearing zoning applications to change the use of land which is an existing mobile home park.*<<

Section 3. Sec. 33-169 of the Code of Miami-Dade County is hereby amended as follows:

Sec. 33-169. **Mobile home park, public hearing approval and permit required to establish;>>requirement to obtain an annual certificate of use<<**

>>(1)<<It shall be unlawful for any person to own, operate, maintain or permit to be operated or maintained, or to construct, increase by number of spaces or otherwise extend any mobile home park unless such person shall first obtain a permit as a result of approval of the use and of the site plan of such park after public hearing. Such park shall comply with the approved plan and the provisions of this chapter and all other applicable State and County regulations and laws in its development and maintenance. The provisions of this article shall not apply to legal, existing mobile home parks nor to parks approved prior to the effective date of this article, but on which development has not commenced except as provided in Section 33-170(B).

Anything to the contrary notwithstanding, mobile homes >>or manufactured homes<<, their porches, and other additions to mobile homes >>or manufactured homes<< in mobile home parks in existence prior to June 25, 1971 or which have been established subsequent to said date pursuant to Section 33-170(B), are permitted providing they conform to the requirements of Section 33-174(b).

>>(2)All legally established mobile home parks shall apply for and obtain an annual certificate of use.

(a)The scope of the certificate of use Inspection shall be limited to zoning compliance issues, including the following:

i) A tenant occupancy report indicating the number of occupied lots and unoccupied lots; if the park is a combination of mobile homes and manufactured homes, the report shall list the information separately.

ii) The current occupancy rate of the mobile home park based on the number of occupied lots and the number of legally permitted lots.

iii) Inspection for compliance with the property maintenance standards of Chapter 19 of the code.

iv) Inspection for compliance with commercial vehicle storage regulations.

b) A copy of the certificate of use inspection report shall be sent to the owner of the mobile home park and referrals of violations of items listed in this section shall be made to the County department responsible for such code enforcement.

c) Reports of violations and the park occupancy information shall be sent to the appropriate state agency for enforcement action.

d) All legally existing mobile home parks must apply for a certificate of use within 90 days after the effective date of this ordinance. Renewals of the certificate of use shall be made each year in the month of June.<<

Section 4. Sec. 33-169.1 of the Code of Miami-Dade County is hereby created as follows:

>>Sec. 33-169.1. Applications for zoning action >>or development permits<< on property utilized as a mobile home park.

(A) Applications for a zoning action >>or development permit<< on properties utilized as an existing mobile home park at the time the application is filed shall be approved only upon a determination that (1) approval of the application would not result in the removal or relocation of mobile home owners residing in the mobile home park or (2) adequate mobile home parks or other suitable alternative affordable housing exists for the relocation of the mobile home owners.

(B) Applications for zoning action >>or development permit<< on properties utilized as mobile home parks at the time of filing shall include the following information, which shall be presented in a sworn statement by the applicant and the owner of the property:

(1) The total number of mobile homes in the park that are owned and occupied by mobile home or manufactured home owners; and

(2) The range of rents and number of mobile home and manufactured home spaces occupied and of tenants renting mobile home park owned units; and a summary of the number of mobile home owner and manufactured home owner leases or mobile home tenant rental agreements currently in place; and

(3) A report indicating the number of lots occupied by mobile home owners or manufactured home owners; in addition the report shall list the number of units owned by the mobile home park owner and shall include the number of tenants residing in those mobile home units. In addition, the list shall identify how many owner occupied mobile homes or manufactured homes are suitable for relocation. The relocation and alternative housing plan shall include potential mobile home parks with lots suitable for the units that can be relocated; and

(4) An estimate of the household profile for each household within the park, including an estimate of the number of adults, and number of children under eighteen years of age, and whether pets have been allowed in the park.

Replacement units identified should be suitable for similar household profiles; and

(5) A list of other mobile home parks or other suitable relocation facilities within a 10-mile radius of the subject mobile home park and located near public transit facilities, describing the number and size of available vacant units or vacant replacement lots at the time of the application is filed, that are of a similar cost profile as that of the mobile home or manufactured home owners residing in the application property. This list will include, at a minimum, the name and address of the park, park contact name and phone number, the number of vacant spaces available, the lot sizes, park guidelines on age and description of available or acceptable units for relocation of mobile homes or manufactured homes. The report shall include the number of rental units or vacant replacement lots available and the rental costs of such units or replacement lots. All parks or other suitable affordable housing alternative facilities must be located within a ten-mile radius of the subject property and located near a public transit facility and serve the same general age, household, and occupancy profiles as the subject property. In the event that the existing park is not within 10 miles of a public transit facility, the comparison search area radius may be extended to 15 miles; and

(6) Submittal of a relocation and alternative housing protection plan detailing the anticipated timing for park closure, a tenant communication plan and actions the mobile home park owner will take to refer mobile home park residents to alternative public and private housing resources and other forms of assistance that may be voluntarily offered by the mobile home park owner and assistance to mobile home park residents to obtain applicable benefits through the state of Florida Mobile Home Relocation Corporation; and

(7) A sworn affidavit by the mobile home park owner and operator that they will, in good faith, comply with state laws concerning the sale of the park and notification to [[~~of~~]] park residents.

(C) In addition to the application information to be provided in Sec. 33-169.1(B) the Director shall review the history of code enforcement actions on the subject property and status information of all code enforcement cases initiated by Miami-Dade County departments.<<

~~[[>>**Section 5**. Sec. 33-169.2 of the Code of Miami-Dade County is hereby created to read as follows:]]~~

~~**[[Sec. 33-169.2. Applications for zoning action or development permits on property previously utilized as a mobile home park.]]**~~

~~[[No application for zoning action or development permit shall be approved on any property that was previously used as a mobile home park in the two years preceding the filing of the application, if such zoning action or development permit has resulted, or~~

~~will result, in the removal or relocation of mobile home owners residing in the mobile home park, unless the applicant demonstrates that, at the time of park closure or at the time the application is filed, there was within a ten mile radius either a number of lots in alternative mobile home parks equivalent to the greatest number of mobile homes previously located on the site during the preceding two years, or other substantially equivalent affordable facilities or housing. It is provided, however, that upon application and demonstration at public hearing that, owing to special conditions, enforcement of this provision will result in unnecessary hardship, a variance from this provision shall be granted, but only to the extent necessary to permit reasonable use of the application site. <<]]~~ [2]

Section >>[[5]]<<[[~~>>6<<]]~~. Sec. 33-171 of the Code of Miami-Dade County is hereby amended as follows:

Sec. 33-171. Minimum size for mobile home park.
No mobile home park site shall contain less than [[~~thirty (30)~~]] >>five (5)<< acres, including rights-of-way, nor have a frontage of less than six hundred sixty (660) feet on dedicated right-of-way except that these minimum requirements shall not apply to the expansion of an existing park into adjacent and contiguous lands.

Section >>[[6]]<<[[~~>>7<<]]~~. Sec. 33-172 of the Code of Miami-Dade County is hereby amended as follows:

Sec. 33-172. Minimum size for mobile home >>or manufactured home<< space and limitation of occupancy.

The minimum size [[~~of eighty (80) percent~~]] of the mobile home >>or manufactured home<< spaces in any park shall>>not be less than 2,700 square feet in net lot area, with a minimum frontage of 30 feet.<<[[~~be forty-five (45) feet in width and ninety (90) feet in length, with variations of these dimensions being permitted if approved after special exception hearing based on site plan submitted, provided that such variations shall not reduce the area of the space below four thousand fifty (4,050) square feet; and ten (10) percent of the total number of spaces to be provided may not be less than three thousand two hundred (3,200) square feet and the remaining ten (10) percent may not be less than three thousand six hundred (3,600) square feet.~~]] Only one (1) mobile home >>or manufactured home<<, occupied by only one (1) family, shall be placed on any one (1) space.

Section >>[[7]]<<[[~~>>8<<]]~~. Sec. 33-172.1 of the Code of Miami-Dade County is hereby created as follows:

>>**Sec. 33-172.1** Maximum height.

A mobile home or manufactured home unit shall be limited to two (2) stories, not to exceed 25 feet in overall height.<<

[2] Committee amendments are indicated as follows: words double stricken through and/or [[double bracketed]] shall be deleted, words double underlined and/or >>double arrowed<< constitute the amendment proposed.

Section >>[[8]]<<~~[[>>9<<]]~~. Sec. 33-191 of the Code of Miami-Dade County is hereby amended as follows:

Sec. 33-191 - Responsibility for Compliance

The owner and operator of a mobile home park shall be responsible for compliance with all applicable conditions, provision, laws and regulations affecting the mobile home park or any mobile homes or trailers parked there. The owner and operator shall notify the tenant of a space of any violations created by such tenant. If the tenant fails to correct violations existing in connection with his mobile home or mobile home space, the owner and operator shall notify the Department of such violations and shall initiate appropriate action to have the violations corrected. Compliance with this Code is the responsibility of the tenant, park operator and park owner.

>>The County recognizes and abides by the applicable regulations. of Chapter 723 of the Florida Statutes. Complaints received by the County that are subject to review and enforcement action by state agencies shall be submitted to the appropriate State of Florida Agency whose duty is it to investigate such complaints. The County shall provide the complainant with a copy of the referral. <<

Section >>[[9]]<<[[~~>>10<<~~]]. Sec. 33-310.2 of the Code of Miami-Dade County is hereby created as follows:

>>Section 33-310.2 Application for administrative approval on existing mobile home park site

Within thirty (30) days of the filing of an application for an administrative approval >>pursuant to Sec. 33-169.1<< by the director for the full or partial redevelopment of an existing mobile home park, the Director shall, at the cost to applicant, provide notice in a newspaper of general circulation, and shall post notice in at least 4 locations on mobile home park property.

If the mobile home park is listed by the applicant as vacant, the applicant shall provide documentation demonstrating the expiration date of the last leasehold in the park and a copy of the closure notice to park residents. The department shall provide closure information to the appropriate state agency.

Notice of the Director's decision shall be published within fifteen (15) days after the determination, at the cost to applicant, in a newspaper of general circulation and posted in at least four locations on the park property. Any aggrieved person may appeal the Director's decision pursuant to Section 33-311 within thirty (30) days after the date of newspaper publication. If no timely appeal is taken, the decision shall become final, and the necessary changes shall be made upon the zoning maps and records.<<

Section >>[[10]]<<[[~~>>11<<~~]]. Section 33-311 of the Code of Miami-Dade County is hereby amended as follows:

Sec. 33-311. Community Zoning Appeals Board--Authority and duties.

(A) Except as otherwise provided by this chapter, the Community Zoning Appeals Boards and Board of County Commissioners shall have the authority and duty to consider and act upon applications, as hereinafter set forth, after first considering the written recommendations thereon of the Director or Developmental Impact Committee. Provided, however, no such action shall be taken until notice of time and place of the hearing at which the Community Zoning Appeals Boards will consider the application has been first published as provided in Section [[~~33-310~~]]>>33-310.2<< The Community Zoning Appeals Boards are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and property and encouraging the most appropriate use of land and water throughout the County. The Community Zoning Appeals Board and Board of County Commissioners or any of their members may inspect the premises and area under consideration. The Community Zoning Appeals Boards shall have authority over the following zoning applications except where the Board of County Commissioners has direct jurisdiction.

* * *

(2) Appeal of administrative variances, administrative adjustments; and appeals of >>administrative determination regarding existing mobile home parks issued pursuant to Section 33-310.2,<< administrative site plan review substantial compliance determinations, and administrative correction of clerical or scrivener's errors.

(a) Upon application for, hear and decide appeals where it is alleged there is an error in the granting or denial of an administrative variance, administrative adjustment, >>administrative determination regarding mobile home park property redevelopment action pursuant to Section [[~~33-310.2~~]]>>33-169.1<<,<< administrative site plan review, determination of substantial compliance, or administrative correction of a clerical or scrivener's error, pursuant to the provisions of this Code. Such administrative decisions shall not include appeals filed pursuant to Sections 2-114.1 through 2-114.4.

* * *

Section >>[[11]]<< [[~~>>12<<~~]]. Sec. 33-314 of the Code of Miami-Dade County is hereby amended as follows:

Sec. 33-314. Direct applications and appeals to the County Commission.

* * *

(B) The County Commission shall have jurisdiction to hear appeals from decisions of the Community Zoning Appeals Boards as follows:

* * *

>> (10) Administrative determinations concerning mobile home parks pursuant to 33-311(2)(a) of this code.<<

Section >>[[12]]<<[[~~>>13<<~~]]. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section >>[[13]]<<[[~~>>14<<~~]]. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, shall become and be made part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section >>[[14]]<<[[~~>>15<<~~]]. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as to form and legal sufficiency: RAC

Prepared by: JM

John McInnis

MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR

Legislative Notes

Agenda Item:	**7(G)**
File Number:	**101845**
Committee(s) of Reference:	**Board of County Commissioners**
Date of Analysis:	**September 9, 2010**
Type of Items:	**Mobile Home Parks**

Summary

This ordinance establishes regulatory criteria for protecting mobile home park unit owners and mobile home park owners through the creation of §33-1(70.1), §33-169.1, §33-172.1, and §33-310.2; and the amendment of §33-166, §33-169, §33-171, §33-172, §33-191, §33-311 and §33-314 of the Miami-Dade County Code (Code).

Additional Mobile Home Park Items on This Agenda

7(G) Supplement No. 1 provides the information that the temporary moratorium **(see Item No. 5D)** is also on this agenda, providing the Board of County Commissioners (BCC) the opportunity to determine whether or not to continue the temporary moratorium.

7(G) Supplement No. 2 provides the Attorney General's opinion. It is the Attorney General's opinion that the County cannot adopt an ordinance imposing additional conditions to the vacation of a mobile home park where the owner of the park has followed the mandated of Chapter 723, Florida Statutes.

Background and Relevant Legislation

At the February 9, 2010, Budget, Planning and Sustainability (BPS) Committee meeting, this item was amended to require the following:

- Development permit applications in existing mobile home parks are subject to the same administrative review process as other zoning applications;
- A two (2) year look back provision to address mobile home parks that were closed prior to seeking zoning action or a development permit;
- Forwarding this item to the Florida Department of Community Affairs for their review prior to final BCC approval; and
- The correction of scrivener's errors.

Subsequently, at the March 2, 2010, BCC meeting, this item was remanded back to the BPS Committee without recommendations. At this meeting, the Board also extended the moratorium for an additional 120 days and requested an opinion from the Attorney General's office regarding the two (2) year look back provision.

At the April 13, 2010, BPS Committee meeting, this item was deferred because an opinion from the Attorney General's office had not been received.

At the July 13, 2010, BPS Committee meeting, this ordinance was amended, removing language in reference to the 2 year look back provision (Section 5). Furthermore, this ordinance was forwarded to the BCC with a favorable recommendation.

LEGISLATIVE HISTORY OF MOBILE HOME PARKS MORITORIUM
Resolution No. 1161-07 adopted October 16, 2007
Temporary moratorium imposed for 120 days. This resolution ordered a building moratorium for properties utilized as mobile home parks and directing the County Manager or his designee to do the following: (1) submit a report on the appropriateness of existing zoning districts and regulations, and (2) to recommend strategies to mitigate impacts of redevelopment. This legislation was proffered following the potential close of mobile home parks and proposals to redevelop those sites by the property owners. Florida statutes pre-empt the County's jurisdiction over control of landlord and tenant laws; therefore, the Board could only place a moratorium on building permits and not on the eviction of tenants. The moratorium allowed staff to review strategies and alternatives to provide housing for displaced residents and the moratorium prevented the issuance of building permits and temporarily halted the eviction of residents or the closure of 40 mobile home parks with an estimated total of 8,000 units. At this BCC meeting several Commissioners voiced concern regarding the relocation, moving costs of evicted mobile home residents, compensation for trailers and affordability of replacement housing.
Resolution No. 167-08 adopted February 19, 2008
Extended moratorium for an additional 90 days. On this date, the County Manager's Report was presented to the Board. This report included recommendations to advocate for the following changes through the State Legislation package: • Reauthorize and lift the cap on Sadowski Housing Trust Fund; • Reassess the amount of reimbursement currently available to displaced residents for relocation from the State Relocation Trust Fund and allow for adjustments to reflect current market conditions; • Extend the time beyond 45 days that is currently allowed for First Right of Refusal by HOA when a

park is for sale; and

- Allow for longer notice period for eviction in case of sale of the property.

This resolution included an attachment which provided an update of the County's 2009 State Legislative Package. At the state level, several bills were introduced but ultimately failed to be adopted.

Resolution No. 567-08 adopted May 6, 2008

Extended moratorium for an additional 180 days.

On this date, the Board expounded on its directives, considering additional implementation strategies including the following:

- **Purchase of Mobile Home Parks in Miami-Dade County**
  The Board expressed interest in the voluntary sale/purchase and ownership of mobile home parks to make sure that an adequate supply of mobile homes are maintained in the County.
- **Voluntary Restriction to Limit Use for Assessed Valuation**
  This would impose a voluntary restrictive covenant limiting the use of the property to a Mobile Home Park use for a period of 20 years in return for property tax assessment based primarily on restricted current use.
- **Development of Off-Site Alternatives**
  The General Services Administration Department initiated a pilot project to use several County owned single-family infill lots to construct affordable housing using prefabricated homes.
- **Resident Owned Communities**
  Staff also recommended utilizing a non-profit organization called ROC USA; the organization provides loans to help homeowner groups purchase their manufactured home communities (Source: Organization Website www.rocusa.org).
- **Housing Assistance Grant and Amnesty Program Funding**
  This program is intended to provide necessary assistance with capital improvements to park owners and residents in order to assist in upgrading existing conditions.

Resolution No. 1115-08 adopted October 21, 2008

Extended moratorium for an additional 120 days.

On this date, the Board directed the County Manager to continue reviewing zoning options for mobile home parks.

Resolution No. 144A-09 adopted February 17, 2009

Extended moratorium until June 2, 2009.

On this date, the Board requested an update report on the Mobile Home Zoning District, the Villa Development Zoning District, the Comprehensive Development Master Plan Amendment and the State Legislative Coordination. These concerns are all addressed in attachments and supplemental items for this resolution.

Resolution No. 647-09 adopted June 2, 2009

Extended moratorium for five (5) months.

On this date, the Board requested an analysis of potential land use/rezoning of the mobile home sites.
Resolution No. 1230-09 adopted November 3, 2009
Extended moratorium for an additional 120 days. On this date, the Board directed the Mayor or his designee to implement appropriate recommendations contained in the November 3, 2009 report. The following mobile home park sites were released from the temporary moratorium: • No. 28 – Tract 3, Lil Abner Mobile Home Park in District 12; • No. 10, Colonial Acres Mobile Home Park in District2, with the acceptance of a proffered covenant; • No. 14, Tradewinds Trailer Park in District 2, with the acceptance of a proffered covenant, • No. 3, Landmark Plaza and Trailer in District 4; • No. 5, Coe's Trailer Court in District 4; and • No. 8, Palm Trailer Park in District 4.

Policy Change and Implication

This ordinance incorporates within several sections of the Code the specific regulation of Chapter 723, Florida Statutes, mandating that no government agency will approve any application for rezoning, or take any other development action which results in the removal and/or relocation of mobile home owners residing in a mobile home park without first determining that adequate mobile home parks or other suitable facilities exist for the relocation of the mobile home owners.

This ordinance applies the following changes to the Code:

- Requires an annual certificate of use;
- Defines the scope of the certificate of use inspection;
- Specifies the requirements for existing mobile home park in submitting an application for a development action or order;
- Reduces the acreage requirement for a mobile home park to five (5) acres;
- Allows mobile home or manufactured homes up to two stories in height; and
- Provides appeal provisions.

Prepared by: Elizabeth N. Owens