

**CITY OF CHESAPEAKE, VIRGINIA**  
**MOBILE HOME DISPLACEMENT POLICY**

**Version dated July 26, 2011**

1) Purpose

On May 25, 2010, the City Council of the City of Chesapeake ("City Council") adopted a resolution requesting that the Chesapeake Planning Commission consider and make recommendations concerning a proposed amendment to the Comprehensive Plan to provide guidelines for property owners proposing to change the use of existing mobile home parks in the City of Chesapeake ("City"). The resolution recognizes the unique challenges involved in relocating mobile homes displaced from a mobile home park, including the inordinate financial burden placed on the residents and the difficulty of finding an alternative location for the mobile home, especially those in poor condition and those constructed under previous laws and regulations.

The City Council resolution directs that the proposed mobile home displacement guidelines address such issues as timely notice to the residents, regular dissemination of information to impacted persons, and assistance in relocating impacted households. This Mobile Home Displacement Policy is intended to address the concerns expressed by City Council and to serve as a stand-alone guidance document that will be incorporated by reference into the Comprehensive Plan.

2) Application of Policy

This Policy applies to all lawfully established mobile home parks in the City. The Chesapeake Zoning Ordinance uses the term "mobile home" instead of "manufactured home;" however, both terms have the same meaning. For purposes of this Policy, the term "mobile home park" shall be considered to have the same meaning as "manufactured home park" in Section 55-248.41 of the Virginia Manufactured Home Lot Rental Act, as follows:

"Manufactured home park" means a parcel of land under single or common ownership upon which ten (10) or more manufactured homes are located on a continual, nonrecreational basis together with any structure, equipment, road or facility intended for use incidental to the occupancy of the manufactured homes, but shall not include premises used solely for storage or display of uninhabited manufactured homes, or premises occupied solely by a landowner and members of his family;

Using this statutory definition, there are an estimated eighteen (18) mobile home parks currently located in the City. The Policy does not apply to freestanding mobile homes, as defined in Section 13-901 of the Chesapeake Zoning Ordinance.

The recommendations of this Policy are primarily directed toward the owners of the mobile home parks but may also be implemented by agents of the owners or prospective purchasers and developers of the park.

### 3) Legal Status of Mobile Home Parks

Mobile home parks are a conditional use in the R-MF-1 and R-MF-2 Multi-Family Residential Districts only. They are not a permitted use in any zoning district. Mobile home parks are also subject to the design, performance and safety standards set out in Section 13-1000 et seq. of the Chesapeake Zoning Ordinance. Lawful nonconforming mobile home parks are subject to restrictions on expansion pursuant to Article 15 of the Chesapeake Zoning Ordinance.

### 4) Proposed Change of Use/Consideration of Options

In considering a change in use of a mobile home park, owners are encouraged to partner with non-profit organizations, such as Habitat for Humanity, to develop options for affordable housing.

### 5) Notification

In the event the owner of a mobile home park intends to change the use of all or any part of the park in a manner that is likely to result in termination of one or more lot leases, such owner should give all of the residents and tenants timely, sufficient and clear written notice of such intent. The notice should include details about the proposed change in use, including identification of specific lots and mobile homes that will be directly impacted by the change in use, and should also provide attachments such as copies of land use applications filed with the City.

The Virginia Manufactured Home Lot Rental Act requires a minimum of 180 days written notification prior to the date on which the notified person must leave the premises.

The owner of the mobile home park should give timely, sufficient and clear written notice to the residents and tenants regardless of whether City approval is required for the proposed change in use. Where the proposed change in use is conditional on City Council approval, e.g., rezoning or conditional use permit, the owner should nevertheless provide residents and tenants with conditional written notification and should include with the land use application to the City copies of such notification.

### 6) Ongoing Liaison and Dissemination of Information

In order to assist the residents with the transition, the owner of the mobile home park, or his or her designee, should work in partnership with the City's Office of Housing to establish the following:

- Be available to answer questions and speak with residents on a regular basis so that residents can learn about changes in plans and opportunities to relocate.

- Be a central point of contact by which the City and non-governmental organizations, including non-profit associations, may distribute information and coordinate the provision of services or assistance.

The owner of the mobile home park should strive to appoint the a representative to coordinate activities related to the movement of mobile homes out of the park in a timely manner, no later than such time that notification of the proposed change in use is given to the residents and tenants. As soon as the appointment occurs, the owner of the mobile home park should give written notice to all residents and tenants and to the City's Office of Housing of the representative's name, telephone number and email address. The representative of the mobile home park should not be an official or employee of the City and should not be anyone having a financial or other type of interest in the mobile home park or its proposed future use.

#### 7) Reduction of Hardships

It is well recognized that the redevelopment or change in use of a mobile home park may inflict significant financial and non-financial hardship on residents. The owner of a mobile home park should consider various methods of ameliorating these hardships and implementing appropriate remedies. Possible means of assistance to the residents include one or more of the following:

- Foregoing rents for the last months to allow residents to accumulate funds for relocation expenses.
- Providing a stipend to each household to help defray relocation costs.
- Providing financial incentives to encourage residents to relocate as soon as practicable, including, as an example, a graduated increase in the amount of the financial incentive for early relocation.
- Developing non-financial means of encouraging residents to begin planning their relocation early in the process.
- Encouraging residents to contact and work with non-profit agencies who can assist with the relocation process.
- Developing internal policies and standard lease provisions that will provide timely notice and fair compensation for tenants in the event of a change in use of the mobile home park.

#### 8) Relation to Laws and Regulations

This Policy is a guidance document intended to supplement controlling laws and regulations. This Policy shall not be construed in derogation of the protections afforded to owners, tenants and landlords under the Virginia Manufactured Home Lot Rental Act, the Fair Housing Act, and the Uniform Relocation Act, which remain determinative in cases of conflict with this Policy.

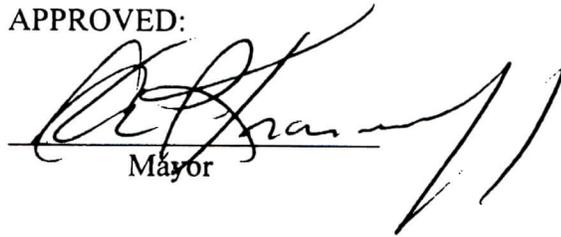
#### 9) Effective Date and Implementation

This Policy will become effective upon adoption by the Chesapeake City Council. The Planning Director should take steps to ensure that copies of this Policy are mailed or delivered to the

owners of all mobile home parks in the City within ten (10) days of adoption. In no event, however, should a land use application be denied for failure to adhere to this Policy.

Adopted by the Council of the City of Chesapeake, Virginia on this 26th day of July, 2011.

APPROVED:

  
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Mayor

ATTEST:

  
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Clerk of the Council