



Preserving Mobile Home Parks for the Residents Who Live There

BY JAIMIE ROSS

Mobile home parks provide affordable housing for a significant part of Florida's elderly population and low income workforce. According to the Department of Business and Professional Regulation, there are over 2,600 mobile home parks in Florida. But these mobile home parks are being lost at an astounding rate as local governments say "yes" to a change in land use/re-zonings as the park owners sell the land for high end development.

One of the features at this year's conference was a symposium sponsored by the Fannie Mae Foundation on preserving mobile home parks for the residents who live there.

The conference panel examined whether it makes sense to preserve mobile home park living. This examination included an understanding of the extent of mobile home park living in Florida, a look at the value of today's manufactured housing, and the arguments in favor and against dismantling mobile home parks. It also included a discussion of legal issues related to land use changes and



the sale of mobile home parks. This examination included an understanding of what happens when a land use change or sale is looming; including eviction, relocation, the role of mobile home park home owner associations and the right of first refusal for residents to purchase the park.

We explored strategies for preserving mobile home parks for the residents who live there. This focused on the opportunities for acquisition, financing, and ownership by a nonprofit or a community land trust to preserve permanent affordability and provide financial stability and the security of homeownership without fear of displacement.

With the help of the Shimberg Center for Affordable Housing's research and analysis, and a panel of industry experts, lawyers, and advocates for mobile home park residents, we now have a core effort underway to stop the loss of this affordable housing stock. Our conversation about further work needed, and next steps to preserve mobile home parks in Florida focused on Florida Statute 723.083.

Don Hazelton, president of Federation of Manufactured Home Owners of Florida (FMO) speaking about the crisis in mobile home park closings, at the Mobile Home Park Preservation Symposium at the Florida Housing Coalition statewide conference.

Pictured to the left of Don is Justin Joseph, legal counsel for the FMO. Seated to Don's right is Bill O'Dell from the Shimberg Center for Affordable Housing; at far right is Ken Shouse from the Florida Manufactured Homes Association.



FLORIDA STATUTE 723.083- GOVERNMENTAL ACTION AFFECTING REMOVAL OF MOBILE HOME OWNERS.

No agency of municipal, local, county, or state government shall approve any application for rezoning, or take any other official action, which would result in the removal 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.

History. –s, 1, ch. 84-80

Because Florida is in an affordable housing crisis, with little or no land available for very low income residents, it would appear that this statute would stop all mobile home park land use changes. Unfortunately, the experience of the panelists and reports from around the state, tell a different story. Local governments are agreeing to land use changes that close mobile home parks and result in the dispossession of the residents at an alarming rate. The common response from local governments is that the statute protecting mobile home park residents from park closures due to land use change is too vague. But some legal research uncovers remarkable clarity offered from an Attorney General Opinion issued in 1986 in response to an inquiry from Pinellas County as to the meaning of Florida Statute 723.083.

THE MEANING OF ADEQUATE MOBILE HOME PARKS OR OTHER SUITABLE FACILITIES.

In response to the Pinellas County inquiry as to the meaning of the phrase “adequate mobile home parks or other suitable

facilities,” the Attorney General Opinion is replete with extensive legal and legislative research including references to the legislative committee tapes relative to the legislative language at issue. The Attorney General Opinion states that because the factors to be considered by the zoning authority in determining the “suitability” of relocation facilities are not expressly set forth in the statute, the legislative intent as to the application of these terms must therefore be determined from “the evil to be corrected, the intention of the lawmaking body, and the purpose sought to be accomplished.”

“The evil to be corrected, the intention of the lawmaking body, and the purpose sought to be accomplished” in the case of changing the mobile home park land use is to provide actual housing for the current residents. The first factual situation posed by the Pinellas County inquiry was when the local zoning board determines that vacancies exist in other mobile home parks but the affected mobile home owners would not be accepted into such parks by virtue of the characteristics, age, or size of their mobile homes. The Attorney General reports that this factual situation was specifically discussed by members of the legislative committee in connection with the adoption of the statute and that the tape recordings make clear that displaced mobile home owners may effectively be precluded from relocating in a mobile home park due to the lack of financial resources which would be required to comply with the park’s rules and regulations.

The Attorney General concludes that “in making a determination as to whether or not the mobile home parks are adequate, **the zoning authority would necessarily have to consider the financial abilities of the mobile home owners who may have to relocate, repair, or replace their mobile homes.**” In the final summary provided by the Attorney General, he emphasizes the importance of making a determination about the financial

abilities of the mobile home park residents: “[U]nless and until legislatively or judicially determined otherwise, I am of the opinion that the phrase ‘adequate mobile home parks or other suitable facilities’ in Section 723.083, F.S. includes all alternative housing which is appropriate to the needs, **primarily financial, of the specific population** of mobile home owners to be displaced.”

THE HOUSING ELEMENT REQUIREMENT FOR ADEQUATE SITES AND RELOCATION HOUSING.

Implementation of Florida Statute 723.083 in accordance with the Attorney General’s Opinion is consistent with the local government’s duties pursuant to Section 163.6177, Florida Statutes, (the Comprehensive Plan Housing Element) which provides that every jurisdiction meet the housing needs of its entire population, and specifically requires that there be adequate sites for affordable housing, mobile homes, and relocation housing. Section 723.083, Florida Statutes, speaks to land use changes made by the local government and sensibly requires that such a land use change not be made unless there are adequate mobile home parks or other suitable facilities for the residents. To interpret Section 723.083, Florida Statutes otherwise is to

permit local governments to use their land use authority to deplete the supply of affordable housing while charged in Florida Statute 163.3177 with using their land use authority to increase the supply of affordable housing.

A LEGISLATIVE FIX.

Whether local government’s failure to comply with Section 723.083 is due to a lack of understanding or an intent to choose the higher real property tax base and aesthetic value of alternative development such as luxury condominiums is not be as important as the need to finally put a stop to the loss of homes for Florida’s low income elderly and low paid workforce. Putting this issue to bed may best be accomplished through statutory amendment to Florida Statute 723.083 to incorporate the cogent language used in the Attorney General’s Opinion.



Jaimie Ross is the Affordable Housing Director at 1000 Friends of Florida, a statewide nonprofit growth management organization. She is president of the Florida Housing Coalition, chair of the Affordable Housing Committee of the Real Property Probate & Trust Law Section of the Florida Bar, and a 2004 -’05 Fannie Mae Foundation James A. Johnson Community Fellow.



Chuck Elsesser moderated.



Vicki Robinson, Rob Williams



Bryan Bell

The Migrant Farmworker Housing workshop at the Florida Housing Coalition’s annual statewide conference brought exciting news about a program developed through the work of Rob Williams at Florida Legal Services and architect, Bryan Bell, Design Corps., Raleigh, NC, pictured above, using manufactured homes designed specifically for this hard to house population. Florida Housing Finance Corporation staff, Vicki Robinson, Nancy Muller, and executive director, Steve Auger unveiled an exceptional opportunity for financing: a \$10 million dollar 0% interest forgivable loan for nonprofits to house migrant farmworkers. These monies are made available through RFP 2005-05 and applications will be accepted until February 28, 2006. For more information go to www.floridahousing.org and click on “business and legal”, or contact the Florida Housing Coalition at 850 878-4219.



Steve Auger



Nancy Muller