



## News Alert for Mobilehome Park Owners

March 31, 2010

Yesterday the Appellate Court for the Second District of California released an important decision pertaining to mobilehome park subdivisions. In the *Carson Harbor Village, Ltd. v. City of Carson* Opinion, the Court found that lack of resident support for a conversion cannot be the sole ground for denial. The Opinion states, "In theory, a mobilehome park conversion could be bona fide without any resident support..."

The key points in the Opinion relate to the conduct of the resident survey of support for the conversion. While a few of the points were specific to the case, some are broad enough to affect all park owners who may be in the process of or considering subdividing their parks.

For example, although the Court found the City is allowed to consider the bona fides of a conversion, the Court agreed with our definition of bona fide (i.e., it's an issue of owner's intent to sell lots, not resident support).

Also favorable for park owners, the Court reaffirms that the City is preempted from imposing additional conditions on a conversion, specifically, a city cannot require consistency with its General Plan.

The case has been remanded to the trial court with directions to require the City to implement the Opinion.

If you would like a copy of this Opinion, or if you have questions about this case and how it may affect a park owner's right to subdivide, please call Susy Forbath at (310) 393-4000.