

§ 14-16-3-21 MOBILE HOME RESIDENT NOTIFICATION.

- (A) **Short title.** This section may be cited as the "Mobile Home Resident Notification Ordinance".
- (B) **Findings and public policy.** The City Council finds that one of the Albuquerque/Bernalillo County Comprehensive Plan's goals is to increase the city's supply of affordable housing, ameliorate the problems of homelessness and displacement, and ensure that residents have safe, decent and affordably priced housing in stable neighborhoods. The Council further finds that mobile home developments play a vital role in meeting the city's affordable housing needs through the furnishing of low cost, stable housing environments. Therefore, it is the city's policy to minimize the hardships and disruptions associated with displacing mobile home residents.
- (C) **Definitions.** For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

LANDLORD. The owner or any person responsible for operating and managing a mobile home development or an agent, employee or representative authorized to act on the landlord's behalf in connection with matters relating to tenancy in the development.

MOBILE HOME. A movable or portable housing structure larger than 40 feet in body length, 8 feet in width, or 11 feet in overall height, designed for and occupied by no more than one family for living and sleeping purposes; it does not include structures built to the standards of the Building Code and other technical codes adopted in § 14-1-3 ROA 1994, as of the date of the unit's construction.

MOBILE HOME DEVELOPMENT or PARK. An area developed or intended to be developed for occupancy by two or more mobile homes which are used for dwelling purposes. It includes areas known as mobile home parks, where lots or spaces are rented individually to residents; mobile home subdivisions, where lots are sold individually, usually to residents of the lots; or other forms of ownership.

MOBILE HOME DEVELOPMENT OWNER or PARK OWNER or OWNER. The person or legal entity holding title to the mobile home development.

RESIDENT. A person who resides in a mobile home in a mobile home development.

TENANCY. The right of a resident to use a space or lot within a mobile home development on which to locate, maintain or occupy a mobile home, lot improvements and accessory structures, including the use of services and facilities of the mobile home development.

- (D) **Termination of mobile home park tenancy resulting from change of use.** In those cases where the owner intends to change the use of his land, and where such change of use would result in eviction of inhabited mobile homes, the landlord shall first give the resident of each mobile home subject to such eviction a written notice of his intent to evict not less than 18 months prior to such change of use of the land, notice to be mailed to each resident.
- (E) **Civil enforcement.** Any mobile home development resident whose rights under this section have been violated may bring a civil action in a court of competent jurisdiction and, upon prevailing, shall recover actual damages. A plaintiff prevailing in an action to enforce this section shall be entitled to recover his or her costs and expenses of suit and reasonable attorney's fees. This provision does not preclude any other remedy that may be available at law or in equity.
- (F) **New Mexico Mobile Home Park Act.** The provisions of the New Mexico Mobile Home Park Act (Chapter 47, Article 10, NMSA 1978) shall apply as applicable to mobile home developments in

Albuquerque with the exception of the length of time required for resident notification in the event of a change in land use. This section increases the length of time for required notification from six months to 18 months.

(Ord. 7-2008)