

**THE PROBLEM OF MASS EVICTIONS IN
MOBILE HOME PARKS SUBJECT TO CONVERSION**

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State laws generally allow mobile home park owners to close and convert mobile home parks to other uses consistent with local zoning ordinances. Since a significant proportion of mobile home parks are located in non-residential zones, the park owners, often non-residents, and often corporations, will generally find that park residents can be displaced, the land cleared, and commercial or industrial uses superimposed, without review by zoning officials, or in other proceedings where residential interests can be heard and protected.¹

The decision to convert a park to another use necessarily involves the displacement of existing residents. Since virtually all mobile home park residents own the mobile homes in which they live, closure and conversion of the park will force them either to move or to abandon their mobile homes to the developer's bulldozers.² Regardless of whether the displaced park residents are able to rescue their homes, an issue to be discussed extensively below, the mass, forced eviction of large numbers of residents will inevitably have significant consequences for residents. In situations where low-income elderly and other persons are involved, the private burden and the public costs will be tremendous.

This article presents a case study in how to assess the impacts of a mobile home park conversion, along with the mass evictions that necessarily accompany such a conversion. The article is divided into four parts. Part I presents a discussion of the relative immobility of mobile homes and their owners. Part II presents a brief description of mobile homes in the particular community being studied, Forest Grove, Oregon, in which low-income advocates opposed the closure of a mobile home park. Part III describes the mechanism by which to review the ability of other local mobile home parks to absorb the residents of a park subject to conversion. Finally, Part IV presents conclusions as to the impact on current residents of Grove Mobile and Rose Acres parks in Forest Grove, as well as on the public generally, were these two parks to be converted and the residents evicted. The purpose of the article is to provide guidance on how similar impact studies can be performed by local advocates in similar circumstances.

PART 1:

The Practical Immobility of Residential Mobile Homes

¹ See generally, Lyle F. Nyberg, "The Community and the Park Owner versus the Mobile Home Park Resident: Reforming the Landlord-Tenant Relationship," 52 *Boston University Law Review* 811 (1972).

² Recent studies indicate that between 90 and 98 percent of all residential mobile homes in parks are owned by their occupants. W.Z. Hirsch and J.G. Hirsch, "Legal-Economic Analyses of Rent Controls in a Mobile Home Context: Placement Values and Vacancy Decontrol," 35 *UCLA Law Review* 405 (1988).

Though it might be thought that something called a "mobile home" would be easy to move, the name is a leftover from the period of 1930-1950 when "mobile homes" were more like the recreational travel trailers of today, than the modern residential mobile home. Indeed, moving today's residential mobile home, especially if long established in its current location, is more akin in process and cost to moving a traditional single family dwelling than to moving a pick-up drawn travel trailer.³

The immobility of the modern mobile home is due to several factors. The most significant of these is that today's mobile home is *designed* to be permanently placed on a pad and then maintained there for its useful life. Most mobile homes, for example, are not manufactured with permanent undercarriages. Temporary axles and wheels are bolted to the frame by the movers and then removed once the mobile home is delivered and set on its chocks or placed on a foundation.⁴

Secondly, the majority of modern mobile homes are either double-wide or triple wide. This means that they were manufactured either in two parts or in three parts, delivered in sections, and then aligned, bolted, sealed, roofed, carpeted, etc. on site at the park. In order to move a double- or triple-wide unit, the process has to be repeated in reverse, with, however, the added complication that the home will by then have its full compliment of personal property which will often have to be removed.

Moving the home involves unsealing, unroofing the roofed over seams, mechanically separating the two or three sections one from another, disconnecting plumbing and other utilities, removing car ports, porches, and similar fixtures, and lifting the home off its foundation or supports. The home will have to be weather sealed and otherwise protected against pilferage and breakage, and then moved, by specially trained movers, in sections, to the new location. The physical move itself will typically involve the need to acquire special permits for the movement of an oversized load over city streets.

The costs associated with moving a mobile home can be, and generally are, substantial, especially in the context of low-income or elderly fixed-income residents. Including the cost of installing skirting, porches, car ports, and similar amenities generally abandoned at the old park, or reduced to rubble in the move, this can run from several hundred dollars up to eight to ten thousand dollars for the more expensive homes.⁵

³ Brief of *Amicus Curiae*, at 2. *City of Santa Barbara v. Hall*, 833 F.2d 1270 (9th Cir. 1986). *Petition for Certiorari*.

⁴ Werner Hirsch. "An Inquiry into Effects of Mobile Home Park Rent Control." 24 *Journal of Urban Economics* 213 (1988).

⁵ See e.g., Hirsch and Hirsch, *supra* note 2, at 404, n. 17; see also, Hirsch, *supra* note 4, at 215.

In addition to the significant costs associated with the movement of modern mobile homes of relatively recent vintage and in good condition, many of the older, especially single-wide trailers which have been in place for long periods--though still suitable as low-income housing--are no longer road worthy. Either legally, or from an engineering point of view, they cannot be moved. In the event of park conversion and general eviction of residents, the owners of these homes would not only be forced from the park, but would also be forced from their homes, and would lose their major asset when the land is cleared. This is an especially serious problem in that a significant proportion of the owners of the oldest generation of mobile homes are elderly and on fixed incomes.

Moreover, while many older mobile homes in poor condition may be mechanically capable of being moved, many, if not most, modern mobile home parks have strict age and/or condition restrictions on the mobile homes they will consider for admission. Thus it is certain that a significant number of technically movable mobile homes will, in the event of conversion, never provide housing again, since no other park site will be available.⁶

While the immobility of mobile homes can be viewed in cost/engineering terms, it has a significant human dimension as well. Mobile home residents are typically poorer than the average renter household, with incomes of only roughly two thirds the renter level,⁷ and many, as noted above, are elderly residents whose friends, contacts, and community have centered on the park for years, if not decades.⁸

In terms of age:

The statistics initially seem to indicate that mobile home tenants are more likely to be older and hence more likely to live on fixed incomes than their apartment renter counterparts. In California, the average age of mobile home tenants is 67, whereas the average age of apartment tenants is 42.⁹

Similarly, a Hamilton-Rabinovitz rental housing study in Los Angeles concluded that:

⁶ It is worth noting as well that the option of simply buying a lot off in the back country somewhere and setting the evicted mobile home on it is not a credible option for the elderly, few, if any, of whom are up to "roughing it," and many of whom don't drive, and could not survive outside of an urban context with nearby services.

⁷ Hirsch and Hirsch, *supra* note 2, at 413.

⁸ See, the discussion below of a survey done by a local Legal Services office for a fuller demographic picture of the Rose Acre and Grove mobile home parks.

⁹ Hirsch and Hirsch, *supra* note 2, at 414.

With respect to age, the head of household in more than three-quarters of the mobile home households is at least 62 years old. The mean age of the head of household in mobile home tenants families is 67 years, 25 more than for apartment renters. Two thirds of the mobile home households have at least one elderly member.¹⁰

The same study also indicated that 43 percent of all mobile home tenant households are headed by women, mostly elderly.¹¹

Traditionally, mobile home residents are stable. The Hamilton-Rabinovitz study indicated that for upwards of 80 percent of all mobile home park residents "their current location is the first mobile home residence they have had."¹² When mobile homes are sold, they are almost universally sold *in place* to a new resident who buys the mobile home from the current owner and becomes the new renter of the park space.¹³ One recent study, using California data, indicated that "only about 3% of mobile home coaches in California were ever moved during their lifetime, following their original installation."¹⁴ Another study found that "once placed in a park, only about 1% of mobile home coaches are ever moved during the lifetime of the coach."¹⁵

The immobility of mobile homes, and the immobility of the typical mobile home resident, are exacerbated by the very low rates traditionally found in mobile home parks. Obviously, finding a vacant pad to move to is a necessary part of any plan to move a mobile home *out*. The Hamilton-Rabinovitz study found two vacancies out of 1226 pads surveyed.¹⁶ That study concluded:

Mobility rates are so low, whether estimated at the resident level of 0.5% or at the park owner (estimated) level of 7% per year, that few coaches are likely to come open as a result of their occupants' moving. Park owner association

¹⁰ Hamilton, Rabinovitch, Szanton and Alschuler. *1984 Rental Housing Study: Mobile Parks Under Rent Stabilization*. City of Los Angeles: 1985, at 6.

¹¹ *Id.*

¹² *Id.*, at 20.

¹³ "90% or more of those who leave the park sell their mobile homes in place." Hirsch and Hirsch, *supra* note 2, at 405, n.19.

¹⁴ Hirsch, *supra* note 4, at 214.

¹⁵ Hirsch and Hirsch, *supra* note 2, at 405.

¹⁶ Hamilton-Rabinovitz, *supra* note 10, at 28.

representatives estimate vacancy rates at 2% to 3%. of parks have a waiting list* *
* ¹⁷

These low vacancy rates are not a recent phenomenon, but have been typical of the industry for decades. The national mobile home park occupancy rate was 95.8 percent in 1968.¹⁸ A study in the early 1970s indicated that "a prospective tenant must often wait over four years before being allowed to enter a park" in Massachusetts.¹⁹ Elsewhere, the New Jersey Supreme Court found at one point that "there is such a shortage of mobile home parks in the area compared to the demand, that vacancies anywhere are totally non-existent."²⁰ These examples are not isolated, but appear to be typical. The study reviewed below in Washington County, Oregon, reflects a similar tight market.

Thus, the tradition and practice in mobile home parks is stable ownership over extended periods of time by middle income to poorer residents, who are generally older, with an expectation that their home is permanently located, and if ever sold, will be sold in place. In light of these general observations, a study was performed to assess the impacts of a mobile home park closure, and conversion, in Washington County, Oregon. The two areas affected included the Grove Mobile and Rose Acres mobile home parks.

PART II:

Size, Age and Value Characteristics of Mobile Homes in the Rose Acres and Grove Mobile Home Parks

As part of the effort of local advocates to examine the impact of the closure of certain mobile home parks in Forest Grove, Oregon, researchers asked the Washington County Assessment and Taxation division to do a computer run that would provide the dimensions, as well as the age and value, of the mobile homes in the Grove Mobile and Rose Acre mobile home parks. In due course, a print-out was provided with information on the 77 units in the Rose Acre park and the 227 units in Grove Mobile. This data was downloaded into computers in order to do some simple computations and sorting.

The statistical analysis revealed several interesting facts. Section 10-787 of the Forest Grove (Oregon) Zoning Ordinance prevents mobile home parks in Forest Grove from accepting as tenants any mobile home owners whose mobile homes were built before

¹⁷ *Id.*, at 57.

¹⁸ Note, "The Community and the Park Owner Versus the Mobile Home Park Resident: Reforming the Landlord-Tenant Relationship," 52 *Boston University Law Review* 810, 812, n.27 (1972).

¹⁹ *Id.* at 812, n. 27.

²⁰ *Nelson Cooney & Son, Inc. v. South Harrison*, 273 A.2d 33, 39 (N.J. 1971).

mid-1976. This 1976 "bright line" was significant for the residents of Grove Mobile, but especially so for Rose Acres.

Rose Acres was primarily occupied by senior citizens, most of whom have lived in Rose Acres for a number of years. The average age of the homes in the park is over twenty years. Of the total of 77 homes, only ten (10) would qualify for entry in the newer parks in Forest Grove under the law, while 67 (or 86%) would not.

Of the 77 homes, 17 (22%) have values per square foot under \$6.00, with eleven of these under \$5.00. At the other end of the spectrum, the average value per square foot for homes built after mid-1976 (the Ordinance cut off date) is \$12.22.

The analysis of Grove Mobile revealed similar problems. The average age of the 227 homes in Grove was 15 years. Of the 227 total, 153 (67%) would not qualify for entry into parks in Forest Grove because of the age restrictions established in the zoning ordinance. Of the 227 home total, 17 had values per square foot under \$6.00. For comparison, the average value per square foot of those homes built after mid-1976 was \$12.72 in Grove Mobile.

Looking at the combined totals, of 304 total units for which data was available, 190 (63%) were built before mid-1976, and so would not qualify for entry into Forest Grove's other mobile home parks under the local zoning ordinance. Thirty-four of the homes in the two parks have values per square foot of less than \$6.00. Out of 304 homes, 128 (42%) had a total value of less than \$7,500, with 61 (20%) having total values of less than \$5,000. For Rose Acres in particular, 43 percent of the homes had total values of less than \$5,000.

Two conclusions are evident from these figures. The first is that a substantial number of people are being adequately housed in their own homes at values per unit which could not be duplicated in either the private, or the public, low-income housing markets. Given the age and income composition of the residents of these two parks, the existing housing is very cost-effective from the public's perspective. This statement means that if a substantial portion of this housing stock was lost through conversion, the public would undoubtedly find that the cost of public assistance to provide adequate housing to eligible residents--even were such housing available--would be considerably greater than the public cost of the housing in these two mobile home parks.

The second conclusion to be drawn from these statistics is that given the age and the low total values of many of these homes, it is likely that a substantial fraction of the 304 units, with a much higher fraction of the Rose Acres units, would not be admissible in most of the parks in Washington County, even if there were an adequate number of vacancies.²¹

²¹ There are, however, as discussed below, *not* adequate vacancies.

Moreover, even if many of the homes were admissible elsewhere, and technically capable of being moved, the cost of moving would exceed the current value of the home.

PART III:

Washington County Mobile Home Parks Vacancies, Turnover, and Limitations on Admissions

To consider the ability of current residents of Grove Mobile and Rose Acres mobile home parks to move elsewhere in the community, a telephone survey was conducted of all mobile home parks in Washington County. The purpose of the survey was to determine the capability of these other parks in the county to absorb the displaced residents of Rose Acres and Grove Mobile were these parks to be converted to commercial or industrial uses.

The population of the parks to be surveyed was drawn from the Washington County and Portland Oregon West Hills Yellow Page listings under "mobile homes" and limited to those parks which appeared to be in Washington County. Twenty-two parks were identified in this manner. Though the list may not be exhaustive there is every indication that it accurately represents the general situation among Washington county parks.²²

Four questions formed the core of the survey: (1) number of current vacancies; (2) turnover rate; (3) allowance of single-wide homes; and (4) age restrictions on mobile homes. The total number of spaces in the 15 parks responding was 1,847, out of which there were 98 gross vacancies at the time of the survey. Of these 98 vacancies, 65 were in one new park (the Homestead, Forest Grove), and 23 were in another (Heritage Village, Beaverton). Both of these parks had stringent age restrictions.²³ Ten of the remaining 13 parks had no vacancies at all.

To provide information about how long it would take to absorb 304 units from Rose Acres and Grove Mobile, each park respondent was asked about turnover on an annual basis.²⁴ Two parks volunteered information on the number of "sales" in their parks. One listed 14 sales during eight months, annualized up to 20 per year. Another listed 24 sales for eight months, annualized to 30 per year. The figures from these two parks were excluded from the turnover rate, however, since they almost certainly reflected sales of

²² Of the twenty-two parks identified, seven could not be reached through repeated calling of the numbers listed. The effective population, therefore, was 15 parks.

²³ These age restrictions are discussed in greater detail below.

²⁴ Unfortunately, in asking this question, no distinction was made between turnover, defined as existing mobile homes in the park being up for sale *in place*, and turnover involving the vacancy of a paid, *i.e.* where the pre-existing mobile home had itself been moved out of the park, leaving an open space.

existing mobile homes *in place*.²⁵ Accordingly, these sales could not be counted on as making a place for displaced mobile homes from the Rose Acre and Grove Mobile parks. The annual turnover rate found for the remaining parks was 16 per year, a figure not out-of-line with other data on current vacancies.

As part of the survey, park managers were asked whether they had restrictions on the age of mobile homes they allowed in their parks. Three parks responded that they, indeed, had age restrictions. One park (Heritage), with 23 of the total of 33 current vacancies,²⁶ responded that it would only accept mobile homes built within the last four years.²⁷ Another park (Westview) responded that it would only accept homes built within the last ten years. Only four of the homes at Rose Acre and 33 of the homes at Grove Mobile would qualify under this condition.²⁸

The arithmetic of all this is that of the total 304 units in Rose Acres and Grove Mobile, only four would qualify for admission to one park. This leaves 80 of the 84 that would qualify for admission to The Homestead. The Homestead has 65 vacancies, and so could take 65 of the remaining 80, leaving 15. This means that there would still remain these 15 units, plus the 220 units ($15 + 220 = 235$ total) that could not qualify for either of these two parks left to find places for. The number of remaining vacancies, however, is only ten (98 total vacancies - 65 (The Homestead) - 23 [Heritage Village] = 10 remaining vacancies).

The other thirteen parks had no rule with respect to age, though three volunteered that the "condition" of the applicant mobile home was an important consideration. It is reasonable to expect all parks to have at least an implicit "condition" rule for admission.

Summary

Several conclusions flow from the evidence described above. First, due to the cost of moving, the age and condition of many of the homes at Rose Acre and Grove Mobile, and the presence of zoning ordinances like that of Forest Grove, for practical purposes, a large percentage of the homes in these two parks are immovable.

²⁵ This could be deduced from the age restrictions imposed by the parks.

²⁶ There were 98 total vacancies, with 65 being in one particular, new, mobile home park.

²⁷ Recall that *none* of the Rose Acre homes were built within the last four years, and only six of the Grove mobile homes could meet this criterion (leaving $304 - 6 = 298$). Thus, of a total of 304 units in Rose Acres and Grove mobile home parks, 298 would then face the meager solace of the remaining ten of the current vacancies if the conversion of the park, and eviction of the tenants, were to occur at the time of the survey.

²⁸ Even assuming that Westview had vacancies, which it did not.

Second, the housing stock in these two parks constitutes one of the largest concentrations of low-income housing in the county. Not only are a substantial number of low-income residents housed in these parks but they are in their *own privately provided* housing. Mass eviction of the residents on conversion of these parks would undoubtedly and inevitably result in a large number of these residents becoming, in one way or another, homeless and dependent on already strained public housing resources at significantly greater costs to the city and county than under the current satisfactory arrangement.

Third, even if all the mobile homes in the two parks were movable in terms of cost and mechanics, there is no where for at least 225 (of the 304) units to go.

Fourth, given the 16 units per year turnover rate county-wide, it would take roughly 14 years (225 units / 16 units turnover per year) to place all these homes, even if all other demand for these vacancies were to disappear or to be taken up by new parks, if any, and even if we assume that the displaced residents could simply wait by the roadside until spaces became available.

Finally, the mass eviction of approximately 1,000 city residents from these parks, about one tenth of the population of Forest Grove, cannot help but have a significant and dramatic adverse impact, not just on the residents themselves, but also on the economic well-being of the community at large.

Conclusion

Legal Service advocates have the ability to build a compelling record before local officials regarding the adverse impact of the conversion of mobile home parks and the mass eviction of mobile home park residents. The demographics of the households living in the mobile homes, as well as the age, value and condition of the homes themselves, are important data to develop and present in an impact analysis. The ability to move the mobile homes--both technically and economically--can be ascertained and presented. Finally, the ability to *place* the existing mobile home on a different pad in a different park is a critical factor to examine. A study of the mass eviction of mobile home residents, due to mobile home park conversions to commercial or industrial uses, is an important part of low-income advocacy.