

Mobile homes, displacement of residents

Number: INFORMAL

Date: November 14, 2005

The Honorable Leslie Waters
Speaker Pro Tempore
Representative, District 51
Colonial Bank Building
5511 Park Street North, Suite 101
St. Petersburg, Florida 33709

Dear Representative Waters:

You have asked whether section 723.083, Florida Statutes, is superseded by section 163.3177, Florida Statutes, when a county or municipality has included adequate sites for future housing, including mobile homes, in its comprehensive plan. Of particular concern is the displacement of mobile home residents when mobile home parks are redeveloped for other purposes. The following general comments are provided to be of assistance.

Section 723.083, Florida Statutes, states:

"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."

Section 163.3177, Florida Statutes, sets forth required and optional elements of comprehensive plans under the "Local Government Comprehensive Planning and Land Development Regulation Act." [1] Pursuant to the act, counties and incorporated municipalities have the power and responsibility, among other things, to plan for future development and growth. [2] Among the required elements of a comprehensive plan, section 163.3177(6)(f)1., Florida Statutes, among other things provides:

"A housing element consisting of standards, plans, and principles to be followed in:

d. The provision of adequate sites for future housing, including housing for low-income, very low-income, and moderate-income families, *mobile homes*, and group home facilities and foster care facilities, with supporting infrastructure and public facilities." (e.s.)

The plain language of section 723.083, Florida Statutes, requires an agency with zoning authority to make a determination that adequate facilities exist for the relocation of mobile home owners before approving any application for rezoning or taking any official action resulting in the removal or relocation of mobile home owners. I have found no statutory provisions that exempt a county or municipality that has a comprehensive plan with a housing element providing for adequate sites for mobile homes from the requirements of section 723.083. There are several

provisions in Chapter 723, Florida Statutes, however, which provide notice and safeguards to mobile home owners who may be subject to removal and relocation due to a change of use of the mobile home park land.[3]

While a review of the statutes finds no support for concluding that section 163.3177, Florida Statutes, supersedes section 723.083, Florida Statutes, it may be advisable to consider clarifying legislation to ensure that mobile home residents are not displaced with inadequate provision for their relocation. I trust that these informal comments will be of assistance to you.

Sincerely,

Lagran Saunders
Assistant Attorney General

ALS/tfl

[1] Section 163.3161, Fla. Stat.

[2] Section 163.3167(1)(a), Fla. Stat.

[3] See s. 723.061(1)(d), Fla. Stat., requiring 6 months' notice of a projected change in use and need to find other accommodations. Subsection (2) of the statute states that homeowners may object to a change of use by petitioning for administrative or judicial remedies within 90 days of receiving notice or they will be barred from taking any subsequent action to contest the change in use; however, this does not prevent a homeowner from objecting to a zoning change at any time. See *also* s. 723.0612, Fla. Stat., providing for relocation expenses to a mobile home owner required to move due to a change in use of the land under s. 723.061(1)(d).