

COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

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ALVIN JAMES, DIRECTOR

October 11, 2001

AGENDA: October 23, 2001

Board of Supervisors
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

RESUMPTION OF MOBILEHOME PARK INSPECTIONS

Members of the Board:

On May 22, 2001, your Board directed the County Administrative Officer to prepare a financial analysis, for consideration during the 2001-02 budget hearings, regarding the costs associated with resuming building inspections of mobilehome parks in the unincorporated area of the County and in the incorporated cities. In addition, your Board directed the Chair to write a letter to the incorporated cities, soliciting their responses to this proposal. The Chair sent letters to each of the incorporated cities, and there has been no formal response from any of the jurisdictions. On June 11, 2001, after an initial assessment of the project, your Board directed the Department to return with an analysis of this proposal on August 28, 2001. Attached are two spreadsheets: one detailing staffs' cost assumptions and estimates; the other, estimated revenues available to support the program if the county were to assume responsibility for its' administration.

Background

In 1973, the County of Santa **Cruz** assumed responsibility for the enforcement of Part 2.1, Division 13 of the State Health & Safety Code (Mobile Home Parks Act). The responsibilities assumed by the County at that time included: issuing mobile home installation and addition permits, inspecting new installations and construction, enforcing Title 25 code requirements, investigating complaints, and verifying the correction of health and safety violations. Beginning in 1991, the County's responsibilities were expanded, as a result of change in state law, to include the performance of a health and safety inspection to be conducted for each mobilehome park and each mobilehome space in the County's jurisdiction on what was then a 5 year rotating basis. The County returned jurisdiction to State HCD in 1991, in part because of this increase in mandated responsibilities, as well as the lack of adequate funding. Section 18400.1(a) currently requires that health and safety inspections be conducted every 7 years.

Functions

The California Office of State Housing and Community Development (HCD) is currently responsible for mobilehome park inspections. The function is implemented through the agency's Field Operations Program and consists of the following activities:

- Plan check of the design and specifications for new parks and additions, expansions or alterations to existing parks;
- Issuance of permits to construct, and, inspection of construction of new parks and additions, expansions, or alterations to existing parks;
- Issuance of installation permits and inspection of the installation of mobilehomes and manufactured homes to ensure that installations conform to manufacturers' installation instructions and the regulations adopted by the HCD which now must include an anchoring system when a home is installed on piers and pads;
- Plan checking as necessary; permitting, and inspection of the installation of mobilehome and manufactured home accessory structures;
- Evaluation of design data and certification of earthquake resistant bracing systems for mobilehomes and manufactured homes, and issuance of standard plan approvals (**SPA**) for foundation systems, engineered tie down systems and accessory structures;
- Permitting and inspection of the installation of earthquake resistant bracing systems;
- Investigating complaints of violations of any of the provisions the Mobilehome Parks Act; and
- Periodic performance of maintenance inspections in mobilehome parks to identify violations of the Mobilehome Parks Act.

The procedures for local jurisdiction assumption of these responsibilities are set by State Law. Staff has investigated with State Housing and Community Development the possibility of the County Planning Department assuming a limited portion of these responsibilities in order to focus on areas of greatest local concern. However, the representative from State Housing and Community Development stated that the regulations prohibit this approach, and require that the County assume all of these responsibilities or leave the jurisdiction with State Housing and Community Development.

To accomplish the above goals at the local level within Santa Cruz County, responsibility for three administrative functions would need to be assumed: Permit Issuance, Inspections (mandatory maintenance inspections and inspections of permitted work) and Code Compliance. These functions, which would likely be assumed by the Planning Department under a proposal calling for county resumption of authority for mobilehome park inspections, are explained below, as well as the costs, revenues, and administrative issues associated with them.

Permit Issuance

Proposed plans for mobilehome parks and/or units would be reviewed by county planning staff to insure compliance with State and Federal standards for the work performed, and for compliance with the jurisdiction's (County or City) land use regulations. Reviews would also be required by Building and Zoning, and other agencies who administer ordinances which may apply, including Public Works, Environmental Health, and the local Fire Agency. Fees would need to be charged for these reviews, and when the plans are approved, a permit would be issued based upon an approved set of plans.

Inspections

Inspections by the county would be performed to insure that the proposed work is done in accordance with the approved plans. In addition, State Law requires that an inspection of each unit be done a minimum of every seven years to insure that basic health and safety standards are maintained. Pre-inspection meetings with park management and occupants are required by law, as well as follow-up inspections. Fees for both Building Permits and required maintenance inspections are set by State Law, as explained in detail below in "Costs and Fees."

Code Compliance

Complaints received would be investigated by County Code Compliance staff. In addition, the State mandated inspections would generate Code Compliance activity when hazards to life and safety or work without a permit become evident. Title 25 provides that fees are double the permit fees. Cases may also require adjudication in Superior Court which would require involvement by County Counsel.

Performance Standards

To determine the resources necessary to resume mobilehome park inspections administration, it is necessary to establish minimum standards for the activities discussed earlier. If we assume that these standards should be the same as those which currently apply to building permit and code compliance activity within the county, these standards would be:

Time to complete the first review of building permit application: 4-6 weeks.

Advance notice required for building permit inspection: 1 day.

Time for initial code compliance response to complaint: 5 working days.

Additional Administrative Considerations

If County Staff perform the functions listed above for both the county and the cities, several complex administrative issues arise.

The governing bodies of the County and cities would need to take the necessary actions respectively to take permitting authority from the State HCD. The County and cities would then need to enter into individual agreements concerning the above functions. This raises several added questions which do not apply to County permit applications when the parcels are always within the unincorporated area of the County, including:

- How would permits be processed and issued?
- How would reviews and inspections be recorded?
- Who would make decisions on administrative and technical issues?
- How would the fees be distributed?
- How would expanded costs arising from a joint cities/county program be underwritten?

Similar questions arise for code compliance functions.

Code Compliance is probably the most complex issue raised by this proposal. In the recent past, the County has become involved with this issue in several cases (Marmos and Golden Torch), and the process was protracted, complicated, and extremely time-consuming. Complaints received and the compliance issues raised by the mandatory inspections will likely cause a significant increase in required code compliance activity, which would require that the department reevaluate priorities for code compliance enforcement.

The present building and discretionary permit processes would also likely be impacted. In the year 2000 the Planning Department processed 1390 minor building permit applications (applications for permits which require plans but are not entire structures or room additions greater than 500 sq. ft.). Mobilehome permits would be processed as minor permits, and the estimated 800 additional permits would represent a 63% increase. It is not clear how many of these would require a discretionary permit, but some discretionary permits would likely be required. This increase, if it were in fact to occur, would represent a substantial additional burden on the present system.

In many cases, coach owners would still be required to obtain a separate permit from the State. State law requires a permit from State HCD whenever an HCD approved coach is altered. For decks, additions, and cabanas, County jurisdiction would necessitate getting two permits when one is now required.

An additional administrative responsibility is imposed on local jurisdictions that choose to assume enforcement responsibility. Health and Safety Code Sec. 18400.1(h) requires each local enforcement agency that has assumed enforcement authority provide the State Housing and Community Development (HCD) Department with status reports on its specific inspection program to enable that agency to complete reports to the Legislature. The status reports are due prior to September 1, 2002, and prior to September 1, 2005. Each report must include information on the number of parks and spaces in the jurisdiction, number of parks and spaces inspected, number and types of notices of violations issued against the parks, number and types of notices of violations issued against mobilehome owners, number of appeals, amount of fees collected and expended for the purpose of the inspection program for the period covered by the report.

Training Issues

The code standards for installation of and work performed on mobilehomes are different than standards for other buildings. To do an adequate job, the reviewers and inspectors need to be experts in these regulations. Currently there are no County staff who meet this requirement. If the county assumes responsibility for the mobilehome parks in the cities, planning and code compliance staff would need to be trained in the city mobilehome land use policies, regulations, and procedures.

Costs and Fees

The attached spreadsheets provide an analysis of the costs and fees of resuming jurisdiction over mobilehome parks in the County and cities and in the County only. There are approximately 70 parks with 3700 mobilehome spaces in the unincorporated area of the county and approximately 50 parks with 3300 spaces in the cities. The following analysis is based on:

- Performing the required maintenance inspection of each space every seven years.
- Issuing and inspecting a building permit for 10% of the spaces each year
- Code compliance activity for 10% of the spaces each year.

The method used to estimate the costs was to calculate the number of hours needed to perform these functions, the number of full time equivalent staff needed, and the cost of these staff and associated overhead.

The method used to estimate the fees which could be collected to offset these costs was to estimate the fees associated with the construction permits plus the fees associated with the yearly operating permits. These fees are set by Title 25 of the California Code of Regulations.

The annual net County cost is estimated to be \$322,140 if inspection responsibility were assumed for the County and cities and \$169,949 if inspection responsibility were assumed for the County only.

Deputizing County Staff to Perform a Subset of HCD Functions

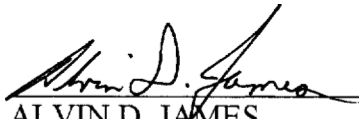
The Department has also discussed with State Housing and Community Development management staff the possibility of Planning Department staff being deputized or designated by HCD to enforce portions of the State Mobile Home Parks Act, or County regulations which do not conflict with State regulations, regarding issues of local concern, particularly height, setbacks, and placement of units in mobile home parks. The response from State HCD staff is that the assumption of mobile home park regulation by a local jurisdiction is governed by statute, and cannot be done on a partial or piecemeal basis. To enforce these regulations, a local jurisdiction must completely assume this responsibility as described above.

SUMMARY

The assumption of mobilehome park inspection responsibility by the County would lead to a significant increase in the Planning Department net county cost. The existing workload of building and discretionary permit processing and inspection, as well as code compliance, would likely be significantly increased. Additional staff and training would be required. If parks in the incorporated cities were included, several administrative issues would need to be resolved. Additional staff and training would be required. For these complex reasons, we believe that it would be inadvisable to assume responsibility for mobilehome park inspections in Santa Cruz County.

It is therefore RECOMMENDED that your Board accept and file this report.

Sincerely,


ALVIN D. JAMES
Planning Director

RECOMMENDED:


SUSAN A. MAURIELLO
County Administrative Officer

cc: Mobilehome Commission

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