

**MINUTES OF  
THE MOBILE AND MANUFACTURED HOME COMMISSION MEETING**

DATE: July 21, 2016  
PLACE: Simpkins Swim Center.979 17<sup>th</sup> Avenue, Santa Cruz, CA  
PRESENT: David Allenbaugh, Charlene Garza, Rick Halterman, Jean Brocklebank, Carol Lerno  
EXCUSED: Henry Cleveland, Briana Del Franco  
ABSENT:  
Staff: Aimee Mangan

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- I. Call to Order/ Roll Call/ Agenda Review and Approval of Minutes  
Approved minutes of the meeting on May 19, 2016.  
Motion/Second: Lerno/Brocklebank  
Passed unanimously.

II. Community Input

- 1.) Question about master meter program update.

Answer: Referred to memo from County Counsel that if water readiness-to-serve amounts were to be challenged they would be challenged under the CA Mobilehome Residency Law.

- 2.) Question about solar panels and their cost.

Answer: They can NOT be passed through as a Capital Improvement.

- 3.) General Discussion:

Suggestions and resources for residents discussed.

III. Business/ Action Items

- A. CPI Index Letter:

Base year MHP (1981) - mathematical calculation used annually.

Base Year RVs (1998)

Motion/Second: Lerno/Brocklebank

Passed unanimously.

- b. Fair Rate of Return Review:

Motion/Second: Lerno/Brocklebank

Passed unanimously.

IV. Reports

- a. Santa Cruz County Mobile/Manufactured Home Association:

New GSOML Legislative Lobbyist Esperanza Ross will be in town on Sept 17<sup>th</sup> from 10am- 12pm at Capitola City Council Chambers. Ross will be discussing the lobbying process.

- b. Commissioner Reports:

Garza: WMA (Western Manufactured Housing Communities Association) has a scholarship fund available to students that live in Mobile Home communities. Multiple 1k scholarships are available. Park Owners usually send out applications. WMA website also has applications on it.

Lerno: Status quo, City of Capitola focus on parking lot: it's been a long process of five years since the big flood.

Villa Santa Cruz Park Report – Lerno has not been actively participating but knows there have been a lot of changes. The park is looking good and working well.

Allenbaugh: Monitoring university construction project still. Meeting with them monthly and notifying residents of the most up to date schedules.

University is following EIR now. Complaints have shifted from too much water vs. too little water being used.

He wants to meet the people over at Clearview. He has offered to attend a monthly meeting there but has not heard anything yet.

(City of SC does NOT have Rent Control for their Park residents, Mobile Home Residency Law does apply to them though.).

Halterman: Several months ago we discussed case in SF where rent control unit was closed. Tenants displaced. Court found against the City of SF. Since then that case was used in a different park closure (Palo Alto). Good news - it was dismissed, but it was dismissed on procedure so still some risk that it could re-occur.

Brocklebank: : Readiness to Serve controversy: A resident of Snug Harbor MHP has met with Senior Legal Services (C. Mendivil) in preparation for appealing, per the MRL, the readiness-to-serve charge billed by the park owner. This may be precedent setting for other parks' residents who want to challenge it. If anyone wants to be kept in the loop on this, provide J. Brocklebank with their email address.

Soquel Gardens: Their park was purchased by a local business owner (SC) about a year ago. Residents know the law and when they are seeing things not following the law they are making cordial interactions to get her up to speed. It has been working out.

c. Legislative Report: None given this month.

d. County Counsel Report: None given this month.

e. County Supervisor Report: Dave Reid from Supervisor Leopold's Office:

1.) Budget - the 16-17 Budget was passed in June.

2.) Board approved Ballot Measure for November ballot for TRIP (Transport Improvements). Questions should be directed to D. Reid (sales tax measure to go to local roads to support lift line, metro, rail trail, highway 1 auxiliary lanes, feasibility study). Important measure to support.

f. Staff Report:

A.) Ocean Breeze Manor MHP

On December 15, 2015 Ocean Breeze Manor MHP Owner sent the residents of the park a Notice of General Rent Adjustment Petition. On February 16, 2016 the residents filed a petition objecting to a challenging a general rent adjustment by the Park Owner.

The Hearing was held on April 25, 2016. Petitioners were represented by Julie Burge and Creighton Mendivil, Esq. The park owner, Albert Vierira was represented by C. William Dahlin, Esq.

The Order stated:

1. The protest and appeal by the residents is partially upheld;

2. The owner(s) of the MHP is entitled to the following rent increases under SCC Code 13.12.030
  - (ii) Capital improvements:
    - a) Fire hydrant & Backflow device: \$5.80  
Passthrough: \$4.83
    - b) MHP Laundry Room capital improvements and passthrough charges shall not be charged or assessed to the park tenants and therefore denied;
    - c) The MHP Office improvements and passthrough charges shall not be charged or assessed to the park tenants and therefore denied;
    - d) Valley gutters \$4.97  
Passthrough \$4.14

Charges are allowed

- e) The retaining wall and passthrough charges to the tenants are hereby allowed and limited as follows:
  - (1/2) of the retaining wall improvements \$6.50
  - (1/2) of the passthrough \$5.42
- f) Consumer Price Index Adjustment; Government Tax and Fe increases and Mobile Home Space Fee are hereby allowed.

#### B.) Pinto Lakes MHP

Terry Dowdall, Esq is representing Pinto Lakes MHP and submitted a Special Rent Adjustment Petition in May. The Proposed Monthly Increase Based on this Petition is \$210.77 per unit. The Petition challenges the ordinance itself (claiming a fractional CPI increase does not provide a fair return). SCLS (Senior Citizens Legal Services)/ Creighton Mendivil, Esq. requested and received approval by County Counsel to authorize an expert to assist them with defending the petition. SCLS filed its Rebuttal to the Special Rent petition at Pinto Lakes in June. Objections include: filing of the petition was not timely, petition does not contain the material information required (was not served on residents and does not contain required material facts, and/or the petition is procedurally defective.

Originally a Meet and Confer and hearing were scheduled for June 29<sup>th</sup> and July 7<sup>th</sup>. SCLS requested a continuance. The Hearing Officer found good cause for SCLS' request for a continuance based on his statement that his clients and expert need further time to evaluate the subject petition.

Discussion: Waterhouse is also doing the same thing in Watsonville (Meadows Manor)...Watsonville has a different method of determining the process (City Manager oversees) and working things out.

Residents Update: Residents met with Mendivil and want to meet with some Commissioners after for support. 170 of 177 residents showed up to this meeting.

#### G. Correspondence/ Communication

No correspondence.

Adjournment at... 10:25 am

Submitted: Aimee Mangan, Commissions Coordinator