MOBILE AND MANUFACTURED HOME **COMMISSION MEETING AGENDA**

Simpkins Family Swim Center 979 17th Avenue, Santa Cruz, CA 95062

Thursday, July 19, 2018 9:30 AM

As a courtesy to those persons affected, please attend the meeting smoke and scent free.

- Call to Order/Roll Call/Agenda Review I.
- Approval of March and May Meeting Minutes II.
- **Community Input** III.
- IV. **Business/Action Items**
 - a. 2018 CPI Calculation/2019 Rent Adjustment Letter
 - b. Space Fee Review
 - c. Fair Return Review
- V. Reports
 - a. Santa Cruz County Mobile/Manufactured Homeowner Association
 - b. Commissioner Reports
 - c. Legislative Report
 - d. County Counsel Report
 - e. County Supervisor Report
 - f. Staff Report
 - g. Correspondence/Communications
- VI. Adjournment

The next Mobile and Manufactured Home Commission meeting is currently scheduled for September 20, 2018 at the Simpkins Family Swim Center (979 17th Avenue, Santa Cruz, CA 95062).

Mobile Home Commission By-Laws, Paragraph 7, Agenda states: Public participation in Commission meetings shall be allowed as follows: An opportunity for members of the public to directly address the Commission on any item on the agenda of interest to the public shall be provided before or during the Commission's consideration of the item. In addition, the agenda will provide for community oral communications on items not on the agenda which are within the subject matter jurisdiction of the Commission at the end of each regular meeting agenda. The Chairperson of the Commission may establish reasonable limits on the amount of time allotted to each speaker on a particular item, and the Commission may establish reasonable limits on the total amount of time allotted for public testimony on a particular item or the total amount of time allotted for community oral communications. When further discussion is required, the Commission may vote to allot time in the agenda of the following meeting. For further information, please contact the Commission office at 831-454-2772 (TDD: 711), or go

online to the Mobile Home Commission Website: http://sccounty01.co.santa-cruz.ca.us/mhc/index.html

The County of Santa Cruz does not discriminate on the basis of disability, and no person shall, by reason of a disability, be denied the benefits of its services, programs or activities. The meeting location is an accessible facility. If you are a person with a disability and require assistance in order to participate in the meeting, please contact the Personnel Department at least 72 hours in advance of the meeting to make arrangements at 831-454-2772 or TDD 711 (California Relay Service) to translate your TDD call for the Commission staff. Persons with disabilities may request a copy of the agenda in an alternative format.

MOBILE AND MANUFACTURED HOME COMMISSION MEETING MINUTES

DATE:

March 15, 2018

LOCATION: PRESENT:

Simpkins Swim Center, 979 17th Avenue, Santa Cruz, CA 95062 Henry Cleveland (2nd District), Rick Halterman (5th District), Jean

Brocklebank (1st District), David Allenbaugh (3rd District)

EXCUSED:

Charlene Garza (Western Manufactured Home Association)

ABSENT:

Carol Lerno (Golden State Manufactured Homeowner's League), Briana

Del Franco (4th District).

STAFF:

Sharon Carey-Stronck (County Counsel), Britt Harmssen (EEO Officer)

GUESTS:

Jenny Pannetta (Director of Santa Cruz Housing Authority), 6

- I. Call to Order/ Roll Call/ Agenda Review and Approval of Minutes
 - a.) Meeting was convened at 9:30 am
 - b.) Approve January 18, 2018 meeting minutes with two corrections to remove the first sentence under II.d. and amending County Counsel's response under III.e.3 Motion/Second: Brocklebank/Halterman.

Ayes: Brocklebank, Halterman

Abstain: Cleveland, Allenbaugh

Failed for lack of quorum of Commissioners who attended the January meeting. To be added to next meeting's agenda.

II. Community Input

- a.) Marsha Gee, Pine Knoll Mobile Manor residents' representative, inquired as to who is responsible for monitoring performance under the contract with Senior Citizens Legal Services. County Counsel responded that, because legal services are financed by residents' funds, residents may evaluate performance.
- b.) Cleveland requested that a discussion regarding performance under the current contract and alternative options for representation be added to the next meeting's agenda.
- III. Santa Cruz Housing Authority Presentation Regarding Programs Relevant to Mobile and Manufactured Housing
 - a.) Pannetta discussed changes to the Section 8 voucher and home ownership programs which would benefit current and prospective mobilehome owners currently on the Section 8 waitlist, including HUD's expansion of acceptable uses for Section 8 vouchers. Under the program, Section 8 vouchers may now be used to subsidize down payments, loans, insurance, property taxes, and maintenance. Previously, Section 8 vouchers could only be applied towards space rent.

IV. Business/Action Items

- a.) Commission meeting in Watsonville has been tabled indefinitely until 4th district commissioner is in attendance.
- b.) Space Fee Recommendation

Submit space fee recommendation through Unified Fee Schedule.

Motion/Second: Brocklebank/Halterman. Passed unanimously.

V. Reports

a.) Santa Cruz County Mobile/Manufactured Home Association Report (John Mulhern): Halterman will determine whether this report should remain on the agenda.

b.) Commissioner Reports

- 1.) Halterman (5th District):
 - a.) The deadline for the GSMOL Board open election is March 16th.
 - b.) The Sunnyvale City Council voted to approve closure of a mobilehome park, which may have implications for County mobilehome parks.

2.) Brocklebank (1st District):

- a.) Expressed appreciation for including a headcount of persons attending Commission meetings within the minutes.
- b.) Reported that she has met with residents of seven different mobile home parks regarding housekeeping items, mobile home park board meetings, changing by-laws, and negotiations with management.
- c.) Alimur Park and Evans Management have settled.

3.) Allenbaugh (3rd District):

a.) An electronic gate has been installed at De Anza Mobile Home Park.

4.) Cleveland (2nd District):

- a.) Requested removal of "Commission meeting in Watsonville" from future agendas because there has been no contact by the 4th District Commissioner, del Franco, for months.
- b.) Brocklebank will reach out to Supervisors regarding del Franco's multiple consecutive absences.
- c.) Reported that he is coordinating with staff to publicize meeting announcements in local news publications.

c.) Legislative Report

1.) AB 1269 (the Mobilehome Residents and Senior Protection Act) is still under negotiation. The Senate Select Committee on Mobile Homes is publishing information.

d.) County Counsel Report

- 1.) The Pinto Lakes lawsuit against the County was dismissed in February and the order for entry of judgment was signed. The deadline to appeal to the 6th District Court of Appeals is March 14th.
- e.) County Supervisor Report: No report.

f.) Staff Report

- 1.) Provided an update on the Commissions Coordinator recruitment, the Alimur Park/Evans Management settlement, and the Pine Knoll Mobile Manor general rent adjustment petition. A prehearing settlement conference has been set for March 20th from 1:00-5:00PM in Personnel's Large Conference Room, and the hearing has been scheduled for April 2nd from 1:00-5:00 PM in the Board Chambers.
- g.) Correspondence/ Communications: None.

V. Adjournment at 10:57 am

Submitted: Britt Harmssen, EEO Officer

MOBILE AND MANUFACTURED HOME COMMISSION MEETING MINUTES

DATE:

May 17, 2018

LOCATION: PRESENT:

Simpkins Swim Center, 979 17th Avenue, Santa Cruz, CA 95062 Henry Cleveland (2nd District), Rick Halterman (5th District), Jean Brocklebank (1st District), Carol Lerno (Golden State Manufactured Homeowner's League). Charlene Garza (Western Manufactured Home

Association)

EXCUSED: ABSENT:

David Allenbaugh (3rd District) Briana Del Franco (4th District)

STAFF:

Sharon Carey-Stronck (County Counsel), Britt Harmssen (EEO Officer)

GUESTS:

- Call to Order/ Roll Call/ Agenda Review ١.
- Approval of Minutes 11.
 - a.) Meeting was convened at 9:30 am
 - b.) Approve January 18, 2018 meeting minutes with an amendment County Counsel's response under III.e.3

Motion/Second: Brocklebank/Lerno.

Aves: Brocklebank, Halterman, Lerno, Garza.

Abstain: Cleveland. Motion passed.

c.) Approve March 15, 2018 meeting minutes with amendment to Brocklebank's report under 5b. Commission reports.

Motion/Second: Halterman/Brocklebank.

Aves:

Halterman, Brocklebank, Cleveland.

Abstain:

Garza, Lerno.

Motion failed for lack of quorum of Commissioners who attended the March meeting. To be added to next meeting's agenda with approval of this meeting's minutes.

111. Community Input

None.

- Discussion regarding Monitoring Performance under Current Legal Services IV. Contract and Potential Alternative Options for Representation Tabled until County Counsel is in attendance.
- V. Business/Action Items
 - a.) Election of Officers.

Cleveland nominated for Chair. Motion/Second: Lerno/Halterman.

Aves: Lerno, Halterman, Garza, Cleveland.

Nays: Brocklebank.

Motion passed.

Brocklebank nominated for Vice-Chair. Motion/Second: Lerno/Halternman. Passed unanimously.

VI. Reports

> a.) Santa Cruz County Mobile/Manufactured Home Association Report (John Mulhern): This report will remain on the agenda, although participation from Mulhem may be

limited due to schedule demands.

b.) Commissioner Reports

- 1.) Halterman (5th District):
 - a.) The City of Sunnyvale approved a mobilehome park closure which is currently under challenge by residents through litigation. Rebuttal briefs have been submitted, and a decision should follow early next week.
- 2.) Garza (Golden State Manufactured Homeowner's League):
 - a.) Mobilehome park owners continue to work with PG&E through its Mobilehome Park Utility Upgrade Program to remove outdated legacy systems and improve energy systems. Alimur Park is bringing up the end of the scheduled improvements in Santa Cruz County. The Alimur Park HOA paid to relocate transformers after negotiations.
- 3.) Brocklebank (1st District):
 - a.) Received an inquiry from the manager of Bell Harbor regarding the City of Santa Cruz's rent control ordinance ballot initiative, which they mistakenly believed applied to them. Brocklebank explained that the Santa Cruz Rent Control Ordinance does not apply to the unincorporated areas.
 - b.) Reported that she provided information about park rules and the Mobilehome Residency Law to residents of the Mercy Housing Project across from Soquel Gardens and Alimur Park.
 - c.) Reported attending the Pine Knoll Mobile Manor prehearing settlement conference on March 20th and advised the Commission that the Hearing Officer had found in favor of the park owner in concluding that the residents' challenge of specific capital improvements was untimely.
 - d.) Reported that ownership of Shangri-La on 38th is changing, and the park has been listed for sale. Residents have expressed concern as to whether rent control will apply.
 - e.) Advised of an active dispute between the daughter of a deceased resident of Soquel Gardens Mobilehome Park and the park owner related to the sale of the deceased resident's home. Senior Legal Services is sending a letter to the park owner advising them of the resident's rights.
- 4.) Lerno (Golden State Manufactured Homeowner's League):
 - a.) Reported that Title 25 of the California Department of Housing and Community Development (HCD) supersedes local ordinances in terms of regulations and oversight and requires permits to make certain improvements to mobilehome properties. Lerno will reach out to HCD regarding attending and presenting at a future Commission meeting. Garza will assist with facilitating.
- 5.) Cleveland (2nd District):
 - a.) County Counsel advised that an appeal has been filed by opposing counsel in the Pinto Lake litigation, and new counsel has been retained by the appellants.
 - b.) Reported that the City of Santa Cruz Rent Control Ordinance ballot initiative does not include mobilehome parks. A similar initiative was easily defeated in the past.
- c.) Legislative Report
 - 1.) AB 1269 (the Mobilehome Residents and Senior Protection Act) is still under

negotiation. The deadline for a response from Governor Brown is the end of May.

d.) County Counsel Report

- 1.) Carey-Stronck addressed Item IV of the Agenda in her report, advising that a contract has been sent to California Rural Legal Assistance (CRLA) to provide legal services to residents in rent adjustment disputes as an additional option to the existing contract with Senior Legal Services. Clients of CRLA must meet established income criteria for eligibility; however, certain exemptions (e.g., medical expenses, cost of living) can be applied to fit within eligibility standards. Other representation options were explored but were not feasible due to significant start-up costs.

 2.) There currently is not a mechanism in place to monitor or evaluate performance
- 2.) There currently is not a mechanism in place to monitor or evaluate performance under the contract. Options may include attaching a customer satisfaction survey with legal services referrals or following up with referred parties to solicit their feedback.
- e.) County Supervisor Report: No report.

f.) Staff Report

- 1.) Provided an update on the Pine Knoll Mobile Manor general rent adjustment petition. After a prehearing settlement conference, the Hearing Officer found in favor of the park owner in concluding that the petition was untimely. The resident's attorney has filed a motion for reconsideration.
- 2.) Reported that the Commission's recommendation to raise the annual space fee has been submitted with other changes to the Unified Fee Schedule for the Board's approval in June.
- g.) Correspondence/ Communications: None.
- V. Adjournment at 10:56 am

Submitted: Britt Harmssen, EEO Officer

Mobile and Manufactured Home Commission



County of Santa Cruz

701 Ocean Street, Room 510
Santa Cruz, CA 95060
Ph# 831-454-2772 fax 831-454-2411 TDD: 711
http://sccounty01.co.santa-cruz.ca.us/mhc/index.html

July 12, 2018

Consumer Price Index Rent Adjustment for 2019 Mobilehome Space Rents

Dear Mobilehome Park Owner:

Under the terms of Chapter 13.32 of the Santa Cruz County Code (Mobilehome Rent Adjustment Ordinance), park owners may make adjustments to space rents once each year.

Section 13.32.030(d)(3) of the County Code allows a park owner to adjust the base rents in her or his park by an amount equal to or less than fifty percent (50%) of the percentage change in the San Francisco-Oakland Consumer Price Index – All Urban Consumers Category, between July 1, 1981, and the July 1 prior to the year in which the rent adjustment is to go into effect (a copy of the Consumer Price Index for June 2018 as reported by the Bureau of Labor Statistics is on the back). The Consumer Price Index (CPI) rent adjustment in effect for 2019 is 110.48 %.

The CPI Adjustment for 2019 Mobilehome Space Rents Has Been Calculated to Be 110.45% Or Less.

2019 CPI Rent Adjustment Calculation

July 1, 2018 879.435 (Adjusted Index) July 1, 1981 274.000 (Adjusted Index) 605.435

605.435 Total Increase in CPI between July 1, 1981 and July 1, 2018

(605.435 divided by 274.00) x 100 = Fifty percent of 220.96 % =

220.96 % (Percentage Increase) 110.48% (2019 CPI Adjustment)

The CPI adjustment, when multiplied by and then added to the 1982 base rent, becomes part of an allowable 2019 general rent adjustment [See County Code Section 13.32.030 (d)].

Sincerely,

Kaite McGrew

Commissions Coordinator

cc: Santa Cruz County Board of Supervisors
Mobile and Manufactured Home Commission
Creighton Mendevil, Senior Citizens Legal Services

CONSUMER PRICE INDEXES PACIFIC CITIES AND U. S. CITY AVERAGE

ALL ITEMS INDEXES June 2018

(1982-84=100 unless otherwise noted)

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	Jun	May	Jun	May	Jun	Jun	Jun	May	Jun	May	unp	Jun
	2017	2018	2018	2018	2018	2018	2017	2018	2018	2018	2018	2018
U. S. City Average	244.955	251.588	251.989	2.8	2.9	0.2	238.609	245.770	246.196	3.0	3.1	0.2
(1967=100)	733.775	753.647	754.848	ŀ	1	1	711.352	732.074	733.343	•	1	1
Los Angeles-Long Beach-Anaheim	255.275	266.148	265.522	4.1	4.0	-0.2	245.900	256.652	256.208	4.3	4.2	-0.2
(1967=100)	754.196	786.319	784.470	1		1	726.711	758.484	757.172	•	1	•
West	254.469	263.240	263.732	3.5	3.6	0.2	246.155	255.316	255.804	3.7	3.9	0.2
(Dec. 1977 = 100)	411.335	425.513	426.308	1	•	•	396.050	410.790	411.574	ı	1	•
West – A*	261.792	271.302	271.724	3.7	3.8	0.2	251.331	261.608	261.963	4.1	4.2	0.1
(Dec. 1977 = 100)	426.888	442.396	443.083			1	406.857	423.492	424.067	,	•	1
West - B/C**(Dec. 1996=100)	148.792	153.201	153.546	3.0	3.2	0.2	148.548	153.069	153.440	3.1	3.3	0.2
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San Francisco-Oakland-Hayward	275.304	283.422	286.062	3.2	3.9	0.9	269.508	278.039	280.219	3.4	4.0	0.8
(1967=100)	846.360	871.318	879.435	•	1	i	820.674	846.651	853.291	'	,	•
Seattle-Tacoma-Bellevue	. 263.756	270.309	272.395	3.3	3.3	0.8	259.487	266.720	268.957	3.5	3.6	0.8
(1967=100)	804.030	824.007	830.365	•	•	1	769.637	791.092	797.727	•	•	•
* A = greater than 2,500,000 population		** B/C	1/C = 2,500,00	= 2,500,000 population or less	rless		Dash (-)	Dash (-) = Not Available.	je.			

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Release date June 12, 2018. The next monthly releases are scheduled for August 10, 2018. The next bi-monthly releases are scheduled for September 13, 2018.

can be accessed online at www.bls.gov/cpi/data.htm. The Portland CPI has been discontinued. Additional information on the geographic revision is available at Due to the 2018 geographic revision, Anchorage, Honolulu, Phoenix, and San Diego area index numbers are now published bi-monthly. Semi-annual averages www.bls.gov/regions/west/factsheet/2018cpigeorevision.htm. For questions, please contact us at BLSinfoSF@BLS.GOV or (415) 625-2270.

Mobile and Manufactured Home Commission



County of Santa Cruz

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http://sccounty01.co.santa-cruz.ca.us/mhc/index.html

July 12, 2018

RE: 2019 Consumer Price Index Rent Adjustment in RV Parks

Dear RV Park Owner:

Under the terms of Chapter 13.32 of the Santa Cruz County Code (Mobilehome Rent Adjustment Ordinance), park owners may make adjustments to space rents once each year. The Code defines base rents for RV parks to be that amount of rent charged as of January 1, 1999. It is the opinion of the Office of the County Counsel that the ordinance requires that the CPI for July 1, 1998 for use in 1999 be employed in calculating rent increases in RV parks. A copy of the Consumer Price Index for June 2018 as reported by the Bureau of Labor Statistics is on the back. Consequently, the CPI adjustment for 2019 RV space rents has been calculated to be 36.42% or less as shown below:

2018 CPI Rent Adjustment Calculation for use in 2019

July 1, 2018 for use in 2019

879.435 (Adjusted Index)

July 1, 1998 for use in 1999

508.800 (Adjusted Index)

370.635 Total Increase

 $(370.635 \text{ divided by } 508.80) \times 100 =$

72.84% (Percentage Increase)

Fifty percent of 72.84 % =

36.42% (2019 CPI Adjustment)

The CPI adjustment, when multiplied by and then added to the 1999 base rent, becomes part of an allowable 2019 general rent adjustment.

Additionally, in keeping with the intent of the ordinance, it is also the opinion of the Office of the County Counsel that the appropriate property tax adjustment must be based on a formula, which uses the 1998/1999 taxes as compared to those of 2018/2019.

Sincerely,

Kaite McGrew

Commissions Coordinator

cc: Santa Cruz County Board of Supervisors
Mobile and Manufactured Home Commission
Creighton Mendevil, Senior Citizens Legal Services

CONSUMER PRICE INDEXES PACIFIC CITIES AND U. S. CITY AVERAGE June 2018

ALL ITEMS INDEXES

(1982-84=100 unless otherwise noted)

		All U	All Urban Consumers (CPI-U)	umers (CP	1-N)		Urbar	ท Wage Ea	Urban Wage Earners and Clerical Workers (CPI-W)	Clerical Wo	orkers (CP	(M-I
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	Jun 2017	May 2018	Jun 2018	May 2018	Jun 2018	Jun 2018	Jun 2017	May 2018	Jun 2018	May 2018	Jun 2018	Jun 2018
U. S. City Average	244.955	251.588	251.989	2.8	2.9	0.2	238.609	245.770	246.196	3.0	3.1	0.2
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	Jun 2017	Apr 2018	Jun 2018	Apr 2018	Jun 2018	Jun 2018	Jun 2017	Apr 2018	Jun 2018	Apr 2018	Jun 2018	Jun 2018
San Francisco-Oakland-Hayward	275.304	283.422	286.062	3.2	3.9	0.0	269.508	278.039	280.219	3.4	4.0	0.8
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(1967=100)	804.030	824.007	830.365	1	1	1	769.637	791.092	797.727	•	_	,
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COUNTY OF SANTA CRUZ

OFFICE OF THE COUNTY COUNSEL

701 OCEAN STREET, SUITE 505, SANTA CRUZ, CA 95060-4068 (831) 454-2040 FAX: (831) 454-2115

DANA MCRAE, COUNTY COUNSEL JASON M. HEATH, CHIEF ASSISTANT

Assistants Tamyra Rice Shannon M. Sullivan Jessica C. Espinoza

Sharon Carey-Stronck Jordan Sheinbaum T. Brooke Miller J. Omar Rodriguez Nancy A. de la Peña Siobhan Kelley Ruby Márquez L. David Nefouse

August 23, 2017

Agenda: TBA

Board of Supervisors County of Santa Cruz 701 Ocean Street, Room 500 Santa Cruz, CA 95060

Re: Accept and Adopt the Recommendation of the Mobilehome Commission that the Reasonable Rate of Return for Qualified Mobilehome Park Capital Improvements Remain at Twelve Percent

Dear Members of the Board:

This is to submit to your Board the Mobilehome Commission's recommendation concerning the reasonable rate of return on capital improvements.

Subsection 13.32.030(d)(4) of the Mobilehome Rent Adjustment Code provides that the annual automatic general rent adjustment for a mobilehome park, may, subject to specified exceptions, include a pass-through of 50 percent of the costs of a capital improvement, amortized over a ten-year period, together with an allowance of a rate of return at a percentage established annually on the balance of the cost. The other 50 percent of the costs of a capital improvement is passed through to residents pursuant to Subsection 13.32.030(d)(5)(G) of the Mobilehome Rent Adjustment Code. The Code further provides that any park owner contending that the general rent adjustments do not provide a fair and reasonable return on investment may file a petition for a special rent adjustment.

Pursuant to Subsection 13.32.092 of the Code, your Board, acting upon an annual recommendation from the Mobilehome Commission, sets the rate of return. Since 1980, the rate of return has been established at twelve percent (12%).

Agenda: TBA Page 2 of 2

After a public hearing at its meeting of July 20, 2017, the Mobilehome Commission voted to recommend that the reasonable rate of return remain at the existing rate of twelve percent (12%).

IT IS THEREFORE RECOMMENDED that your Board accept and adopt the recommendation of the Mobilehome Commission that the reasonable rate of return for qualified mobilehome park capital improvements remain at twelve percent (12%).

Very truly yours

DANA McRAE, COUNTY COUNSEL

By ______
Sharon Carey-Stronck

Asst. County Counsel

cc: Mobilehome Commission

COUNTY OF SANTA CRUZ ADMINISTRATIVE HEARING MOBILE AND MANUFACTURED HOME

Preliminary Hearing Date:

March 20, 2018

Hearing Officer:

Edward W. Newman, Esq.

Subject:

Pine Knoll Mobile Manor General Rent Adjustment

Petition

DECISION AND ORDER BY REFEREE

On or about December 29, 2017, the owner of Pine Knoll Mobile Manor provided a notice of rent increase effective April 1, 2018 to the tenants, including amounts for two capital improvement pass throughs, one being a new six-inch sewer line, with a capital improvement recovery beginning date of April 1, 2014, and the other being paving with a capital improvement recovery beginning April 1, 2017. The residents duly filed a petition for hearing—general rent adjustment, challenging the two capital improvement pass throughs previously described. The owner filed objections raising three issues: (i) the jurisdiction of the hearing officer to consider a petition challenging capital improvement pass through that had been previously implemented; (ii) the hearing officer presiding over a settlement conference in the same matter; and (iii) the location of the hearing now scheduled for April 2, 2018 having been moved from the location specified in the original hearing notice.

The hearing officer made a preliminary order that the prehearing settlement conference scheduled for March 20, 2018 be converted to a preliminary hearing to consider the owner's objections. The owner appeared at the preliminary hearing through counsel, Robert G. Williamson, Esq. The residents appeared at the preliminary hearing through their representative, Marsha Gee, and Gretchen Regenhardt, Esq. Also present was Jean Brocklebank, a resident, and Britt Harmssen, Esq., Equal Employment Opportunity Officer for the County of Santa Cruz.

Having heard argument from both sides, and having reviewed all relevant documentation, the hearing officer finds as follows: the owner's objection to the petition on the basis of lack of jurisdiction is treated by the hearing officer as a motion to dismiss the petition, and the motion is granted. The residents' petition was timely for purposes of challenging the 2018 general rent adjustment. However, the residents' challenge is by its terms limited to two capital improvement pass throughs that were implemented one year ago and four years ago, respectively. Chapter 13.32 of the County Code does not specifically allow, nor does it specifically prohibit, challenges to capital improvement pass throughs raised sometime after the year in which the pass through was first charged. Both sides agreed in oral argument that this is a matter of first impression. The position the residents take if adopted would mean that capital pass throughs could be challenged for a period of at least ten years. This conflicts with the policies behind both statutes of limitations and the judicial doctrine of laches. Mobile home park residents are generally very diligent in reviewing and questioning rent increases. A rule requiring residents to challenge capital pass through items at the time they are first implemented does not seem unduly onerous. On the other hand, allowing such charges to be challenged at any time during the life of

the pass through would result in uncertainty for all parties and impose an unnecessary record keeping burden on park owners.

It is important to note that this ruling does not address the possibility that a capital improvement pass through may cease to function properly during its pass through life. In that case, the residents have the opportunity to seek a rent adjustment in accordance with the procedures for reduction in services.

The other two objections raised by the park owner are moot as a result of the foregoing ruling.

ORDER

IT IS HEREBY ORDERED that the Pine Knoll Mobile Manor General Rent Adjustment Petition is dismissed. The April 2, 2018 hearing date is hereby vacated.

The foregoing decision is subject to judicial review under the provisions of Code of Civil Procedure §1094.5. Under the provisions of Code of Civil Procedure §1094.6, any petition for judicial review must be filed in the appropriate court no later than the 90th day following the date on which this decision becomes final. The date the decision becomes final is its effective date as stated in the Decision.

Dated: 3-22-18

EDWARD W. NEWMAN, ESQ.

Referee

COUNTY OF SANTA CRUZ ADMINISTRATIVE HEARING MOBILE AND MANUFACTURED HOME

Hearing Officer:

Edward W. Newman, Esq.

Subject:

Request for Reconsideration -Pine Knoll Mobile Manor

General Rent Adjustment Petition

DECISION AND ORDER BY REFEREE

On or about March 22, 2018, the Hearing Officer issued a Decision and Order dismissing the Pine Knoll Mobile Manor General Rent Adjustment Petition challenging the notice of rent increase effective April 1, 2017. On or about April 17, 2018, the Pine Knoll residents submitted a letter through counsel, Gretchen Regenhardt, seeking reconsideration, and specifically requesting that the Hearing Officer require Pine Knoll Mobile Manor "to turn over copies of bills for property taxes, government required service charges, copies of insurance policies and records of insurance payments, the books and records of the owner which relate to the original depreciated costs of capital improvements, and all relevant portions of federal and state income tax returns relating to capital improvements and rent increase changes for the years in which the increases were passed onto the Pine Knoll residents".

On or about May 5, 2018, the park owner filed a response through counsel, Robert Williamson, Jr., objecting to the request and asserting that the Hearing Officer lacks jurisdiction to issue the reconsideration order requested.

Section 13.32.060(17) provides that the Hearing Officer may order reconsideration of all or part of the case on his or her own motion or on petition of any party. The power to order a reconsideration expires 45 days after the delivery or mailing of a decision. However, the Hearing Officer may grant the stay of the expiration period for no more than 10-days, solely for the purpose of considering the petition. The Hearing Officer hereby exercises his discretion to stay the expiration period for the residents' request for reconsideration for 10 days.

As to the merits of the request for reconsideration, the analysis begins with section 13.32.060(B)(2)(a), which requires that a petition for a general rent adjustment hearing shall "clearly state the residents' basis for disputing compliance by the owner with the provisions of this chapter". The petition in this case states as the reason for the petition that "two capital improvements are believed to be repairs, not improvements. Neither are believed to benefit the majority of residents". The Hearing Officer previously ruled that the petition was untimely because the two capital improvement pass throughs in question were implemented one year ago and four years ago respectively, and were not challenged at the time. It logically follows that discovery related to those two capital improvements would be irrelevant. Requests for discovery as to issues that were not raised in the petition are also irrelevant.

¹ It should be noted that the property tax bills which residents are requesting are matters of public record, which can be found online.

ORDER

IT IS ORDERED for the reasons stated that the residents' petition for reconsideration is hereby denied.

The foregoing decision is subject to judicial review under the provisions of Code of Civil Procedure §1094.5. Under the provisions of Code of Civil Procedure §1094.6, any petition for judicial review must be filed in the appropriate court no later than the 90th day following the date on which this decision becomes final. The date the decision becomes final is its effective date as stated in the Decision.

Dated: 5-7-18

EDWARD W. NEWMAN, ESQ.

Referee

MOBILE AND MANUFACTURED HOME COMMISSION MEETING AGENDA

Simpkins Family Swim Center 979 17th Avenue, Santa Cruz, CA 95062

Thursday, September 20, 2018 9:30 AM

As a courtesy to those persons affected, please attend the meeting smoke and scent free.

- I. Call to Order/Roll Call/Agenda Review
- II. Approval of May and July Meeting Minutes
- III. Community Input
- IV. Business/Action Items
 - a. Legal Services Referral Update
 - b. Clarification of Chapter 13.34 -Temporary Rentals of Mobile Homes
 - c. Approve Proclamation Declaring Assemblymember Mark Stone Legislator of the Year
- V. Reports
 - a. Commissioner Reports
 - b. Legislative Report
 - c. County Counsel Report
 - d. County Supervisor Report
 - e. Staff Report
 - f. Correspondence/Communications
- VI. Adjournment

The next Mobile and Manufactured Home Commission meeting is: **9:30 AM November 15, 2018** at the Simpkins Family Swim Center (979 17th Avenue, Santa Cruz, CA 95062).

Mobile Home Commission By-Laws, Paragraph 7, Agenda states: Public participation in Commission meetings shall be allowed as follows: An opportunity for members of the public to directly address the Commission on any item on the agenda of interest to the public shall be provided before or during the Commission's consideration of the item. In addition, the agenda will provide for community oral communications on items not on the agenda which are within the subject matter jurisdiction of the Commission at the end of each regular meeting agenda. The Chairperson of the Commission may establish reasonable limits on the amount of time allotted to each speaker on a particular item, and the Commission may establish reasonable limits on the total amount of time allotted for community oral communications. When further discussion is required, the Commission may vote to allot time in the agenda of the following meeting. For further information, please contact the Commission office at 831-454-2772 (TDD: 711), or go online to the Mobile Home Commission Website: http://sccounty01.co.santa-cruz.ca.us/mhc/index.html

The County of Santa Cruz does not discriminate on the basis of disability, and no person shall, by reason of a disability, be denied the benefits of its services, programs or activities. The meeting location is an accessible facility. If you are a person with a disability and require assistance to participate in the meeting, please contact the Personnel Department at least 72 hours in advance of the meeting to make arrangements at 831-454-2772 or TDD 711 (California Relay Service) to translate your TDD call for the Commission staff. Persons with disabilities may request a copy of the agenda in an alternative format.

MOBILE AND MANUFACTURED HOME COMMISSION MEETING MINUTES

DATE: May 17, 2018

LOCATION: Simpkins Swim Center, 979 17th Avenue, Santa Cruz, CA 95062 PRESENT: Henry Cleveland (2nd District), Rick Halterman (5th District), Jean

Brocklebank (1st District), Carol Lerno (Golden State Manufactured Homeowner's League), Charlene Garza (Western Manufactured Home

Association)

EXCUSED: David Allenbaugh (3rd District)
ABSENT: Briana Del Franco (4th District)

STAFF: Sharon Carey-Stronck (County Counsel), Britt Harmssen (EEO Officer)

GUESTS: 1

- I. Call to Order/ Roll Call/ Agenda Review
- II. Approval of Minutes
 - a.) Meeting was convened at 9:30 am
 - b.) Approve January 18, 2018 meeting minutes with an amendment County Counsel's response under III.e.3

Motion/Second: Brocklebank/Lerno.

Ayes: Brocklebank, Halterman, Lerno, Garza.

Abstain: Cleveland. Motion passed.

c.) Approve March 15, 2018 meeting minutes with amendment to Brocklebank's report under 5b. Commission reports.

Motion/Second: Halterman/Brocklebank.

Ayes: Halterman, Brocklebank, Cleveland.

Abstain: Garza, Lerno.

Motion failed for lack of quorum of Commissioners who attended the March meeting. To be added to next meeting's agenda with approval of this meeting's minutes.

III. Community Input

None.

- IV. Discussion regarding Monitoring Performance under Current Legal Services Contract and Potential Alternative Options for Representation Tabled until County Counsel is in attendance.
- V. Business/Action Items
 - a.) Election of Officers.

Cleveland nominated for Chair. Motion/Second: Lerno/Halterman.

Ayes: Lerno, Halterman, Garza, Cleveland.

Nays: Brocklebank. Motion passed.

Brocklebank nominated for Vice-Chair. Motion/Second: Lerno/Halternman. Passed unanimously.

VI. Reports

a.) Santa Cruz County Mobile/Manufactured Home Association Report (John Mulhern): This report will remain on the agenda, although participation from Mulhem may be

limited due to schedule demands.

b.) Commissioner Reports

- 1.) Halterman (5th District):
 - a.) The City of Sunnyvale approved a mobilehome park closure which is currently under challenge by residents through litigation. Rebuttal briefs have been submitted, and a decision should follow early next week.
- 2.) Garza (Golden State Manufactured Homeowner's League): a.) Mobilehome park owners continue to work with PG&E through its Mobilehome Park Utility Upgrade Program to remove outdated legacy systems and improve energy systems. Alimur Park is bringing up the end of the scheduled improvements in Santa Cruz County. The Alimur Park HOA paid to relocate transformers after negotiations.

3.) Brocklebank (1st District):

- a.) Received an inquiry from the manager of Bell Harbor regarding the City of Santa Cruz's rent control ordinance ballot initiative, which they mistakenly believed applied to them. Brocklebank explained that the Santa Cruz Rent Control Ordinance does not apply to the unincorporated areas.
- b.) Reported that she provided information about park rules and the Mobilehome Residency Law to residents of the Mercy Housing Project across from Soquel Gardens and Alimur Park.
- c.) Reported attending the Pine Knoll Mobile Manor prehearing settlement conference on March 20th and advised the Commission that the Hearing Officer had found in favor of the park owner in concluding that the residents' challenge of specific capital improvements was untimely.
- d.) Reported that ownership of Shangri-La on 38th is changing, and the park has been listed for sale. Residents have expressed concern as to whether rent control will apply.
- e.) Advised of an active dispute between the daughter of a deceased resident of Soquel Gardens Mobilehome Park and the park owner related to the sale of the deceased resident's home. Senior Legal Services is sending a letter to the park owner advising them of the resident's rights.
- 4.) Lerno (Golden State Manufactured Homeowner's League):
 - a.) Reported that Title 25 of the California Department of Housing and Community Development (HCD) supersedes local ordinances in terms of regulations and oversight and requires permits to make certain improvements to mobilehome properties. Lerno will reach out to HCD regarding attending and presenting at a future Commission meeting. Garza will assist with facilitating.

5.) Cleveland (2nd District):

- a.) County Counsel advised that an appeal has been filed by opposing counsel in the Pinto Lake litigation, and new counsel has been retained by the appellants.
- b.) Reported that the City of Santa Cruz Rent Control Ordinance ballot initiative does not include mobilehome parks. A similar initiative was easily defeated in the past.

c.) Legislative Report

1.) AB 1269 (the Mobilehome Residents and Senior Protection Act) is still under

negotiation. The deadline for a response from Governor Brown is the end of May.

d.) County Counsel Report

- 1.) Carey-Stronck addressed Item IV of the Agenda in her report, advising that a contract has been sent to California Rural Legal Assistance (CRLA) to provide legal services to residents in rent adjustment disputes as an additional option to the existing contract with Senior Legal Services. Clients of CRLA must meet established income criteria for eligibility; however, certain exemptions (e.g., medical expenses, cost of living) can be applied to fit within eligibility standards. Other representation options were explored but were not feasible due to significant start-up costs.

 2.) There currently is not a mechanism in place to monitor or evaluate performance under the contract. Options may include attaching a customer satisfaction survey with legal services referrals or following up with referred parties to solicit their feedback.
- e.) County Supervisor Report: No report.

f.) Staff Report

- 1.) Provided an update on the Pine Knoll Mobile Manor general rent adjustment petition. After a prehearing settlement conference, the Hearing Officer found in favor of the park owner in concluding that the petition was untimely. The resident's attorney has filed a motion for reconsideration.
- 2.) Reported that the Commission's recommendation to raise the annual space fee has been submitted with other changes to the Unified Fee Schedule for the Board's approval in June.
- g.) Correspondence/ Communications: None.

V. Adjournment at 10:56 am

Submitted: Britt Harmssen, EEO Officer

MOBILE AND MANUFACTURED HOME COMMISSION MEETING MINUTES

DATE: July 19, 2018

LOCATION: Simpkins Swim Center, 979 17th Avenue, Santa Cruz, CA 95062 PRESENT: Jean Brocklebank (1st District), Henry Cleveland (2nd District), David

Allenbaugh (3rd District) Rick Halterman (5th District)

EXCUSED: Carol Lerno (Golden State Manufactured Homeowner's League)

Charlene Garza (Western Manufactured Home Association)

ABSENT: None

STAFF: Sharon Carey-Stronck (County Counsel), Britt Harmssen (EEO Officer),

Kaite McGrew (Commissions Coordinator)

GUESTS: 3

I. Call to Order/ Roll Call/ Agenda Review

II. Approval of Minutes

a.) Meeting was convened at 9:30 am

b.) Approve March 15, 2018 meeting minutes as written

Motion/Second: Halterman/Cleveland

Ayes: Brocklebank, Allenbaugh, Halterman, Cleveland

Motion passed unanimously.

c.) Approve May 17, 2018 meeting minutes as written

Lack of quorum of Commissioners who attended the May meeting. Item to be added to next meeting's agenda.

III. Community Input

None.

IV. Business/Action Items

a.) 2018 CPI Calculations/2019 Rent Adjustment Letter

Commission reviewed for information only.

b.) Space Fee Review

Harmssen reported that Board of Supervisors approved an increase of the space fee through the unified fee schedule. An increase from \$26 to \$38 became effective July 1, 2018 with notice given in January 2019.

c.) Fair Return Review

Commission discussed factors in support of the prevailing Fair Rate of Return. Staff will research the percentage of capital improvement costs passed through to tenants and follow up next meeting. Brocklebank to provide copy of rental statement to County staff. Recommend to maintain existing rate of return at 12%.

Motion/Second: Brocklebank/Allenbaugh

Ayes: Halterman/Cleveland, Brocklebank, Allenbaugh

Motion passed unanimously.

V. Reports

a.) <u>Santa Cruz County Mobile/Manufactured Home Association Report</u> (John Mulhern): Mulhern requests that this item be removed from agenda at subsequent meetings due to time constraints.

b.) Commissioner Reports

- 1.) Halterman (5th District):
 - i. Sunnyvale mobile home park closure is being challenged by residents through litigation. Decision still pending.
 - ii. The Mobile Home Park Resident Ownership Proposition (MPROP) fund has more than \$40 million to loan to applicants who meet their criteria. The fund will loan approved residents the money to purchase their park. Allenbaugh and Cleveland discussed requirements to exercise the right of first refusal requirements for tenants who wish to purchase their parks. Per the State Mobile Home Residency Laws FAQ, park management must give the governing board of the park's HOA a 30-day written notice of the park owner's intention to offer or list a park for sale.

2.) Allenbaugh (3rd District):

- i. Allenbaugh reported meeting with residents of Clearview MHP who object to a proposed condominium complex adjacent to the park. Commission will be kept informed but has no jurisdiction in the matter at this time.
- ii. Negotiations between UCSC and De Anza MHP have resulted in a mutually agreed upon resolution.

3.) Brocklebank (1st District):

i. Brocklebank reported that Supervisor Leopold will meet with Soquel Gardens MHP residents to discuss a variety of ongoing issues which may require an interdepartmental County response. Carey-Stronck requested a comprehensive map of all mobile home parks in the County. Brocklebank will follow up.

4.) Cleveland (2nd District):

i. Cleveland attended the Golden State Manufactured-home Owners League (GSMOL) Regional Conference. Commission discussed the importance of ensuring the registration of mobile homes is current. Brocklebank expressed an interest in attending similar events in future.

c.) Legislative Report

1.) Halterman reported on AB 3066, a new bill replacing AB 1269, which was recently vetoed by Governor Brown. If passed, AB 3066 will cost mobile home residents \$10 per year to fund a Mobile Home Dispute Resolution Fund. The fund will be administered by the HCD and is to be used exclusively to enforce the State Mobile Home Residency Law. If passed, the program would go into effect January 2019, with funds becoming available in January 2020. When the five-year program sunsets in 2024, HCD will evaluate the success of the program with an eye to potential renewal if it is proven effective.

d.) County Counsel Report

- 1.) Carey-Stronck reported that County has received Pinto Lake appeal records. Appellants' opening brief is due August 15, the receipt of which will start a 30-day deadline for County response. Appellants have retained a new attorney: James Patrick Ballentine, Esq. of Santa Barbara. The case number is H045757.
- 2.) County finalized an alternate contract with California Rural Legal Assistance (CRLA) for provision of legal representation in rent control issues. Provision of

- services is contingent upon potential clients meeting both legal residency and income criteria.
- 3.) The County has renewed its contract with Senior Legal Services. Commission discussed changes to the referral process with the addition of another provider. County staff will determine a revised referral process if necessary and report back when available.
- 4.) Brocklebank requested that the Commission address the issue of monitoring and evaluating the provision of legal services. Issue will be added to the next agenda.
- 5.) Commission discussed access to information about legal expenses associated with Pinto Lake to date. County staff to follow up with figures if available.
- 6.) Will Constantine, Esq. to assist Creighton Mendevil with cases as needed.

e.) <u>County Supervisor Report</u> No report.

f.) Staff Report

1.) Introduction of Kaite McGrew, new Commissions Coordinator.

g.) Correspondence/ Communications

1.) Staff distributed Hearing Officer's decisions in the Pine Knoll Mobile Manor General Rent Adjustment Petition matter to commissioners. The matter was initially dismissed for lack of timeliness. Pine Knoll residents submitted a request for reconsideration which was also denied on May 7, 2018.

VII. Adjournment at 10:40 am

Submitted: Kaite McGrew, Commissions Coordinator



To:

701 Ocean Street, Fifth Floor, Room 510 Santa Cruz, CA 95060 (831) 454-2772 Fax (831) 454-2411 TDD: 711 commissions@santacruzcounty.us

RETURN BY FAX OR EMAIL AFTER SCHEDULING APPOINTMENT! Mobilehome Referral

This is a referral for consultation and advice. This is not a guarantee of representation. Mobile home park residents can file a petition under the Rent Stabilization Ordinance with or without legal representation. Petition forms are available online (www.sccounty01.co.santa-cruz.ca.us/mhc/laws-resources.html), or call the Commissions Office at (831) 454-2772 or email (commissions@santacruzcounty.us).

FOR	OFFICE USE ONLY	
Date Received:		
Date Mailed to Resident:		
Appointment Time/Date:		
Case No.:		
Referred By:		
Mobile Home Park Name:		
Resident Name:		
Resident Mailing Address:		
Resident Phone:		
Service Hours – Limit:		
Service Hours – Increase:		
Increase Approved by:		
REASON FOR REFERRAL		
Rent Increase (date + 45 days):		
Reduction in Services (describe):		
(date + 1 year)		
Conversion (describe)		
Other (describe)		

NOTE: Your feedback on the referral services provided above is greatly appreciated. Please email commissions@santacruzcounty.us, mail to Santa Cruz County Commissions Office 701 Ocean St. Room 510, Santa Cruz, CA 95060 or call (831) 454-2772 to tell us about your experience.

Mobile and Manufactured Home Commission Regular Meeting September 20, 2018

Agenda Item IV.b Supporting Documentation

Chapter 13.34 (below) deals with temporary rental of mobilehomes in Santa Cruz County. This agenda item is related to a situation where the mobilehome park owner owns the homes on 11 of the 20 spaces. Those 11 space rents are now decontrolled and rented at market rates.

Chapter 13.34 says that if that is the case, homeowners on the remaining 9 spaces may, under specified circumstances, temporarily rent their homes.

Questions:

- 1. If they do rent their home temporarily, per 13.34, is it true that they **cannot** charge more than the rent-controlled amount?
- 2. If the park owner learns that they will be temporarily renting their home, per 13.34, is the park owner not allowed to assume the space is decontrolled and raise the rent above the rent-controlled amount?

Chapter 13.34 TEMPORARY RENTAL OF MOBILE HOMES IN MOBILE HOME PARKS

Sections:

13.34.010 Findings and purpose.

13.34.020 Temporary rental of mobile home.

13.34.030 Ongoing rental of mobile home.

13.34.010 Findings and purpose.

The Board of Supervisors finds that various mobile home parks prohibit the owner of a mobile home from renting it for any period of time, and that such nonrental rules from time to time impose hardships on owners of mobile homes who are unable to reside in their mobile homes, but are held liable for the space rental and upkeep of their mobile home while it is vacant and until the mobile home can be sold or otherwise re-occupied. It is the purpose of this chapter to alleviate hardships on such owners who are unable to reside in their mobile homes by allowing the temporary rental of the mobile home for a reasonable period required for the owner to sell or re-occupy the mobile home. [Ord. 3493 § 1, 1984].

13.34.020 Temporary rental of mobile home.

It shall be unlawful for any person to prohibit an owner of a mobile home in a mobile home park from renting the mobile home for up to one year under the following circumstances:

- (A) An owner of a mobile home who has resided therein for at least one year is unable to continue to occupy the mobile home either temporarily or permanently by reason of illness or absence from the area for other than vacation purposes.
- (B) An owner of a mobile home who has resided therein for at least one year can no longer continue to meet the rules of occupancy of a mobile home park by reason of a change of circumstances (i.e., the birth of a child in an adult-only park, etc.).
- (C) An owner or person in a fiduciary capacity who has received title to a mobile home as a result of the death of the previous owner, or due to bankruptcy or foreclosure procedures requires time to arrange for the sale of the mobile home or arrange for occupancy of the mobile home by the owner.

Any renter of a mobile home must meet all the rules of occupancy of the mobile home park in which the mobile home is located with the exception of any rule which directly or indirectly prohibits, in conflict with this section, the temporary rental of a mobile home for up to one year. [Ord. 4105 § 1, 1991; Ord. 3493 § 1, 1984].

13.34.030 Ongoing rental of mobile home.

It shall be unlawful for any person to prohibit an owner of a mobile home in a mobile home park from renting that mobile home as long as one or more other mobile homes in the park are being rented or offered for rent by the mobile home park owner; provided, however, that a rental by the park owner of one mobile home to and for the occupancy by the park manager shall not be considered a rental for purposes of this section.

Any renter of a mobile home must meet all the rules of occupancy of the mobile home park in which the mobile home is located with the exception of any rule which directly or indirectly prohibits, in conflict with this section, the rental of a mobile home. [Ord. 3493 § 1, 1984].



701 Ocean Street, Fifth Floor, Room 510 Santa Cruz, CA 95060 (831) 454-2772 Fax (831) 454-2411 TDD: 711 commissions@santacruzcounty.us

Proclamation Declaring Assemblymember Mark Stone Legislator of the Year

WHEREAS, the Santa Cruz County Manufactured and Mobile Home Commission is chartered to advise the Board of Supervisors on matters related to mobile home living; and

WHEREAS, the County of Santa Cruz has an interest in promoting the social and economic well-being of its senior citizens, low-income families, veterans, and others in need of affordable housing; and

WHEREAS, fair and equitable treatment under the law is essential to maintaining the viability of mobile homes as affordable housing; and

WHEREAS, Santa Cruz County's mobile home park regulations have demonstrated the vital role government can perform in providing equitable treatment for mobile home residents and park owners; and

WHEREAS, the passage of Assembly Bill 3066 due to Assemblymember Mark Stone's tireless efforts makes this fair and equitable treatment under the law available to mobile home communities in Santa Cruz County and throughout the State;

NOW, THEREFORE, The Santa Cruz County Manufactured and Mobile Home Commission does hereby proclaim:

Mark Stone is the Commission's Legislator of the Year and

The Santa Cruz County Board of Supervisors is encouraged to likewise commend Assemblymember Stone for his work protecting affordable mobile home housing.

In witness thereo	f, Henry Cleveland,	on behalf of the	Santa Cruz	County N	Manufactured
and Mobile Home	e Commission, issu	ed on Septembe	r 20, 2018:		

Henry Cleveland (District 2), Chair	



701 Ocean Street, Fifth Floor, Room 510 Santa Cruz, CA 95060 (831) 454-2772 Fax (831) 454-2411 TTY/TDD: 711 commissions@santacruzcounty.us

Notice of Public Meeting and Agenda

DATE: Thursday, November 15, 2018

TIME: 9:30 AM to 11:00 AM

LOCATION: Simpkins Family Swim Center, 979 17th Avenue, Santa Cruz, CA 95062

As a courtesy to those who are affected, kindly attend the meeting **scent-free and **smoke-free**.**

Call to Order/Roll Call/Agenda Review

- 1. Approval of September 20, 2018 Meeting Minutes
- 2. Public Comment:

Any person may address the Commission for a period not to exceed three minutes on an issue within the jurisdiction of the Commission. The Commission will not take action but may choose to follow up at a subsequent meeting.

- 3. New Business/Action Items
- 4. Commissioner Reports
- 5. Legislative Report
- 6. County Counsel Report
- 7. County Supervisor Report
- 8. Staff Report
- 9. Correspondence/Communications
- 10. Adjournment

Next Meeting Scheduled for: 9:30 to 11:00 AM on Thursday, January 17, 2019 at the Simpkins Family Swim Center, 979 17th Avenue, Santa Cruz, CA 95062

The County of Santa Cruz does not discriminate on the basis of disability, and no person shall, by reason of a disability, be denied the benefits of its services, programs or activities. The meeting location is an accessible facility. If you are a person with a disability and require assistance to participate in the meeting, please contact the Commissions Coordinator at least 72 hours in advance of the meeting to make arrangements at 454-2772 or TTY/TDD:711 (California Relay Service) to translate your TTY/TDD call. Persons with disabilities may request a copy of the agenda in an alternate format.



701 Ocean Street, Fifth Floor, Room 510 Santa Cruz, CA 95060 (831) 454-2772 Fax (831) 454-2411 TTY/TDD: 711 commissions@santacruzcounty.us

MOBILE AND MANUFACTURED HOME COMMISSION MEETING MINUTES

DATE: September 20, 2018

LOCATION: Simpkins Swim Center, 979 17th Avenue, Santa Cruz, CA 95062 PRESENT: Jean Brocklebank (1st District), Henry Cleveland (2nd District),

Rick Halterman (5th District), Charlene Garza (Western Manufactured Housing Communities

Association)

EXCUSED: David Allenbaugh (3rd District), Carol Lerno (Golden State Manufactured

Homeowner's League)

ABSENT: None

STAFF: Sharon Carey-Stronck (County Counsel), Angela Chestnut (Analyst to Supervisor Leopold),

Britt Harmssen (EEO Officer), Kaite McGrew (Commissions Coordinator)

GUESTS: 7

Meeting Convened at 9:30 AM

I. Call to Order/Roll Call/Agenda Review

II. Approval of Minutes

a.) Approve May 17, 2018 Meeting Minutes as written

Motion/Second: Cleveland/Halterman

Motion passed unanimously.

b.) Approve July 19, 2018 Meeting Minutes as written

Motion/Second: Cleveland/Halterman Ayes: Brocklebank, Halterman, Cleveland

Abstentions: Garza Motion passed.

III. Community Input

Community member inquired about the potential impact of the Costa-Hawkins ballot initiative on mobile home owners.

IV. New Business/Action Items

a.) Legal Services Referral Update

The California Rural Legal Assistance (CRLA) contract was signed, and the County referral form has been updated to allow for multiple providers. A process has been developed by Staff to solicit feedback on contracted legal services.

- b.) <u>Clarification of Chapter 13.34 Temporary Rentals of Mobile Homes</u>
 Commission discussed whether State law would preempt County Code regarding temporary rental of mobile homes. County Counsel will review the matter. Item was tabled to the November 15th meeting agenda.
- c.) <u>Approve Proclamation Declaring Assemblymember Mark Stone Legislator of the Year</u> Staff will add signature line for Brocklebank and request that County Public Relations Staff publicize final document.

Motion/Second: Cleveland/Brocklebank Ayes: Cleveland, Brocklebank, Halterman

Nays: Garza

Motion passed as amended.

V. Reports

a.) Commissioner Reports

- 1.) Halterman (5th District):
 - i. Sunnyvale Mobile Home Park closure was approved but may be appealed by residents.
 - ii. No new information on the Mobilehome Park Resident Ownership Proposition (MPROP) fund is anticipated until January.
- 2.) Garza (Western Manufactured Housing Communities Association):
 - Garza reported that the Frank J. Evans Charitable Foundation awarded \$70K in 2018 college scholarships to student MHP residents, including one awardee in Santa Cruz from the Ocean Breeze MHP.
 - ii. Cleveland praised the Blue Pacific Mobile Home Park (Evans Management) for proactively upgrading water/sewer systems during the PG&E upgrade.
- 3.) Brocklebank (1st District):
 - i. Brocklebank reported on several recent inquiries from various MHP residents throughout District 1. Staff will follow up on space fee billing issue for Bell Harbor Mobile Home Park. Soquel Gardens interventions are ongoing. Carriage Acres Trailer Park residents are challenging current water sourcing and associated fees.
- 4.) Cleveland (2nd District):
 - i. Cleveland initiated discussion on alternate meeting sites for 2019.
 - ii. Cleveland will coordinate with County Staff to link County MHPs Google map to website.
 - iii. Cleveland urged mobile homeowners to register their mobile homes.

b.) Legislative Report

1.) Halterman reported that AB 3066 passed with a "right-to-cure" amendment allowing park owners 25 days in which to address issues.

c.) County Counsel Report

1.) Carey-Stronck reported on the status of the Pinto Lake appeal. Appellants' opening brief deadline was extended to October 12.

d.) County Supervisor Report

1.) Chestnut invited Commission and members of the public to a series of community meetings to help guide the creation and design of the Live Oak Library Annex Project at Simpkins Family Swim Center. The first of three meetings will take place at 6:00 PM on Thursday, September 27th at the Simpkins Swim Center.

e.) Staff Report

1.) Staff reported that updates to all Mobile Home Park lists have been submitted for publication on the website.

f.) Correspondence/Communications

1.) Commissioners discussed correspondence from Shoreline MHP and Snug Harbor MHP.

VI. Adjournment at 10:50 AM

Submitted: Kaite McGrew, Commissions Coordinator



14802 Beach Boulevard; La Mirada, CA 90638 Phone: (714) 994-9528 or (800) 888-1727

The Mobilehome Residency Law Protection Program aka MRLPP

-What is it exactly?

In 1978, Governor Brown signed the Mobilehome Residency Law or MRL into law. Forty years later, on September 26, 2018, the Governor completed the bookend to his legacy with his signature on AB 3066. It gives mobilehome homeowners, for the first time in California, a way to enforce the law of the MRL and stop egregious MRL abuses by predatory park owners.

-Background

AB 3066, authored by Assemblyman Mark Stone, was a re-introduction of AB 1269 from last year, which was vetoed by Governor Brown. AB 3066 was introduced in June of 2018 reviving the efforts started by AB 1269 and GSMOL Members throughout the state. The continued and relentless response by GSMOL Members and their urgent call-to-action caused AB 3066 to pass through the State Assembly and Senate and earn a signature by the Governor. Now that AB 3066 is a law, it should be called The Mobilehome Residency Protection Program or MRLPP, which is congruent with the name used by HCD.

-Key provisions of AB 3066

- 1. It is a pilot program that will allow Department of Housing and Community Development (HCD) to collect and evaluate MRL complaints with the goal of preventing the most "severe, deleterious, materially and economically impactful alleged violations." HCD does not litigate these cases but acts like a triage doctor who assesses and prioritizes the most serious injuries.
- 2. HCD will then advise the park operator and homeowner that they are required to negotiate the matter in good faith to resolve the matter within 25 days.
- 3. Allows HCD to request various documents from park management when evaluating a complaint and authorizes a \$250 non-compliance penalty for each failure to comply within 15 business days.
- 4. If after 25 days, the matter is not satisfactorily resolved, the department may then refer substantiated claims to its own Division of Codes and Standards or to contracted nonprofit Legal Service organizations, whichever is appropriate.
 - Non-profit legal entities that contract with HCD must have experience handling complaints, disputes, or matters arising from the provisions of the MRL.
 - GSMOL will actively participate in implementing AB 3066, which will involve outreach to mobile home homeowners to educate them about the program.
- 5. There is NO charge to the complaining homeowner: AB 3066 prohibits legal service providers from charging a homeowner any fees for any legal services performed in connection with a complaint referred to it by HCD



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- 6. In order to fund this new authority and these duties, HCD will assess a \$10 annual maintenance fee on park owners who will be allowed to pass this fee on to residents (i.e. less than 84¢ a month). This will NOT be part of your space rent and will be a clearly defined line item. Most of us agree that 84¢ a month is cheap insurance to pay for the protection (which we hope we will never need!)
- 7. This fee will be deposited into the newly created Mobilehome Dispute Resolution Fund under the administration of HCD and will be used to implement the Program.
- 8. The Program needs to accumulate funding for about a year and a half before it can begin taking complaints, which will be July 1, 2020.
- 9. AB 3066 gives HCD the ability to not spend more than what is collected.
- 10. One year before the Program ends, on January 1, 2023, HCD is required to submit a written report to the Legislature outlining data collected on the program and make it available publicly on it website. The report shall include:
 - The total number of complaints received, processed and referred
 - The outcome of each complaint
 - The types of complaint allegations received and the most common ones.
 - The amount of fees collected for and expended on the program
 - Recommendations for any statutory or administrative changes to the program.
- 11. In addition, HCD shall report on the Program activity at its semi-annual Mobilehome Park Inspection Program (MPM) meetings in Sacramento, which GSMOL regularly attends in February and August each year.
- 12. The MRL Protection Act shall sunset on January 1, 2024, at which time the Legislature and HCD will assess its effectiveness.

GSMOL intends to be actively involved in that assessment and make recommendations for future action that will continue to protect

MH homeowners. Examples of common violations of the Mobilehome Residency Law (MRL)

- Attempted enforcement of unreasonable rules and regulations by management
- Unauthorized "charges" billed on rent statements
- Improper utility charges or lack of posting utility rates
- Unfair lease practices
- Unlawful or unauthorized evictions
- Interference with home re-sales
- Selective or inconsistent enforcement of park rules
- Denying use of common area facilities, such as the clubhouse
- Denying the right to communicate with other residents at meetings, canvassing and distributing flyers
- Denying the right to have guests, caretakers or a limited sublease

Frequently Asked Questions (FAQ) on MRLPP can be found on the GSMOL website, which begin to answer initial questions of the new Program. You can view the MRL Handbook online at: https://mobilehomes.senate.ca.gov/publications HCD has also published an information bulletin regarding AB 3066 on their website: Information Bulletin 2018-03 provides detail regarding the Mobilehome Residency Law Protection Act established by AB 3066 (Chapter 774, Statutes of 2018)

MRLPP (AB 3066) GSMOL 10/31/18

6 of 14



The Mobilehome Residency Law Protection Program or MRLPP (AB 3066) 10/31/18

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2018 INDUSTRY LEGISLATION

STATUS

AB 2529

Income taxation: like kind exchanges: withholding. (Chu)

Current law requires the transferee of a California real property Assembly Dead interest, in specified circumstances, to withhold for income tax purposes 31/3% of the sales price of the property when the property is acquired from an individual, or a partnership or corporation without a permanent place of business, as specified. Existing law allows a credit against the tax to the recipient of the income for the taxable year in which that amount was withheld under these provisions. Current law exempts from the withholding requirements real property that is exchanged, or will be exchanged, for property of like kind, as defined, and that qualifies for nonrecognition treatment under California income or franchise tax purposes. This bill would require income tax withholding, as provided, for like kind transfers for out-of-state properties that occur on or after January 1, 2019.

AB 2588

Manufactured housing. (Chu)

Requires all used mobilehomes owned or rented to install smoke 8/24/2018 - Enrolled and to the alarms. Requires park emergency plans to be produced in any Governor language requested by a homeowner.

AB 2925

Tenancy: eviction: for cause. (Bonta)

This bill would prohibit a landlord from terminating a tenancy Assembly Dead except upon good cause, as set forth with particularity in the notice. The bill would state that its provisions are in addition to, and do not supersede or preempt, any other state or local law requiring the showing of good cause prior to the termination of a tenancy.

AB 3066

Mobilehome Residency Law Protection Act. (Stone, Mark)

This bill creates an entirely new government program called the 8/31/2018 - Enrolled and to the Mobilehome Residency Law Protection Program Act under the Governor Department of Housing and Community Development to enforce all the provisions of the Mobilehome Residency Law contained in the Civil Code by referring most complaints to non-profit legal services providers. This bill would take effect beginning on July 1, 2020.

AB 1758

Personal income taxes: gross income exclusion: homeownership savings accounts. (Steinorth)

This bill would exclude from gross income any income earned on Assembly Dead the moneys contributed to a homeownership savings account.

Manufactured housing: foundation systems: installation: common interest developments. (Waldron)

Current law requires an owner to obtain a building permit from the 9/5/2018 - Signed into law appropriate enforcement agency to install a manufactured home, mobilehome, or commercial modular on a foundation system by submitting written evidence that the manufactured home, mobilehome, or commercial modular owner owns, holds title to, or is purchasing the real property where the home is to be installed. This bill would specify that written evidence that the manufactured home, mobilehome, or commercial modular owner owns a separate interest in a common interest development would be deemed to comply with this requirement.

SB 46

Mobilehomes: enforcement actions: sunset provision. (Leyva)

The Mobilehome Parks Act requires the Department of Housing 8/31/2018 - Enrolled and to the and Community Development or a city, county, or city and county that assumes responsibility for the enforcement of the act to enter and inspect mobilehome parks with a goal of inspecting at least 5% of the parks each year to ensure enforcement of the act and implementing regulations. This bill would extend the expiration date to January 1, 2024.

Governor

SB 1091

Property taxation: transfer of base year value: disaster relief. (Stone)

SB 1091, along with a Constitutional Amendment that will be Senate Dead introduced in the future, will permit persons whose properties were substantially damaged or destroyed, due to a Governor-declared disaster, to "transfer" their Proposition 13 base year value from one home to another that is of equal or lesser value, delaying reassessment of the newly purchased home to its fair market value.

SB 1230

Contractors: scope of work: manufactured homes or mobilehomes. (Gaines)

Current law requires the permissible scope of work for the General Senate Dead Manufactured Housing Contractor (C-47) license classification set forth in specified state regulations to include "mobilehomes," "manufactured homes," and "multifamily manufactured homes." This bill would authorize the installation, alteration, repair, or preparation for moving of any type of manufactured home, mobilehome, or multifamily manufactured home, as defined, to be performed by a contractor holding a Class "B" license.

AB 1796

Rental property: electric vehicle charging stations. (Muratsuchi)

Current law requires a lessor of a dwelling to approve a written 8/20/2018 - Signed into law request of a lessee to install an electric vehicle charging station at a parking space allotted for the lessee in accordance with specified requirements. The law provides exemptions for specified dwellings, including an exemption for a dwelling that is subject to the residential rent control ordinance of a public entity. This bill would

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AB 1919

Price gouging: state of emergency. (Wood)

Would, upon the proclamation or declaration of an emergency as 8/31/2018 - Enrolled and to the specified, make it a misdemeanor for a person, business, or other Governor entity to increase the rental price, as defined, advertised, offered, or charged for housing to an existing or prospective tenant by more than 10%. The bill would extend the prohibition with regards to housing for any period that the proclamation or declaration is extended. The bill would additionally make it a misdemeanor for a person, business, or entity to evict a housing tenant after the proclamation of a state of emergency and then rent or offer to rent to another person at a rental price higher than the evicted tenant could be charged.

AB 1923

Residential property insurance: wildfires: consolidated debris removal. (Limón)

Would authorize, in the event of loss relating to a "state of Assembly Dead emergency," as defined, due to a wildfire, the Governor, or his or her designee, to implement a consolidated debris removal program in which a residential property owner who has insurance in effect at the time of a wildfire that provides coverage for debris removal voluntarily assigns any rights, benefits, and proceeds for that coverage to a county or designated agency and makes any benefits and proceeds directly payable to that county or designated agency.

AB 2056

Mobilehomes. (Garcia, Eduardo)

Current law authorizes the Department of Housing and Community 9/6/2018 - Enrolled and to the Development to make loans from the Mobilehome Park Governor Rehabilitation and Purchase Fund, a continuously appropriated fund, to qualified mobilehome park residents, resident organizations, and nonprofit housing sponsors or local public entities to finance conversion of the parks to resident ownership to make monthly housing costs more affordable or loans to a resident organization or nonprofit housing sponsor to assist park residents with needed repairs or accessibility upgrades to the mobilehomes if specified criteria are met. This bill would make nonsubstantive changes to those definitions.

..... ...

Tenancy: law enforcement and emergency assistance. (Chiu)

Would declare void, as contrary to public policy, a provision in a 8/24/2018 - Signed into law rental or lease agreement that limits or prohibits, or threatens to limit or prohibit, a tenant's, resident's, or other person's right to summon law enforcement assistance or emergency assistance as, or on behalf of, a victim of abuse, a victim of crime, or an individual in an emergency if the tenant, resident, or other person believes that the law enforcement assistance or emergency assistance is necessary to prevent or address the perpetration, escalation, or exacerbation of the abuse, crime, or emergency.

AB 2618

Hiring of real property: Department of Consumer Affairs: landlords and property managers: training. (Bonta)

Would require the Department of Real Estate to administer a Assembly Dead certification program for landlords and property managers, as defined, to provide education to landlords and property managers on fair practices and tenant rights. The bill would make this certification effective for a period of 2 years. The bill would authorize the department to identify and approve appropriate providers of the educational coursework. The bill would make a person who acts as a landlord or property manager without first having obtained certification from the department subject to a specified civil penalty.

AB 2708

Contracts: translation. (Reyes)

Would require a person engaged in a trade or business, or a Assembly Dead supervised financial organization, that negotiates with a person who negotiates primarily in one of specified languages other than English to deliver to the other party a translation of the contract or agreement into the language other than English.

SB 1078

Housing. (Committee on Transportation and Housing)

Existing law establishes the position of mobilehome ombudsman 8/31/2018 - Enrolled and to the within the Department of Housing and Community Development, requires the Governor to designate a deputy director in the department to serve as the ombudsman, requires the department to provide each licensed mobilehome park with the name, address, and phone number of the ombudsman, and requires the management of the mobilehome park to post this sign, as specified. A violation of the posting requirement is an infraction. This bill would rename the mobilehome ombudsman as the Mobilehome Assistance Center, require the Governor to designate a deputy director in the department for the Mobilehome Assistance Center, and make conforming changes.

Governor

SB 1130

Property tax postponement: residential dwelling: manufactured homes. (Leyva)

Current law continuously appropriates revenues in the Senior 8/31/2018 - Enrolled and to the Citizens and Disabled Citizens Property Tax Postponement Fund Governor for, among other things, disbursements relating to the postponement of property taxes pursuant to these laws. Current law authorizes the postponement of the payment of property taxes of a claimant who is the owner of a mobilehome for loans established prior to February 20, 2009, pursuant to the Senior Citizens Mobilehome Property Tax Postponement Law. This bill would expand the definition of a "residential dwelling" to include a manufactured home, thereby authorizing a claimant who is the owner of a manufactured home to postpone the payment of property taxes.

SB 1237

Property taxation: change in ownership. (Bates)

The California Constitution generally limits ad valorem taxes on Senate Dead real property to 1% of the full cash value of that property. For purposes of this limitation, "full cash value" is defined as the assessor's valuation of real property as shown on the 1975-76 tax bill under "full cash value" or, thereafter, the appraised value of that real property when purchased, newly constructed, or a change in ownership has occurred. This bill would additionally specify that if 90% or more of the direct or indirect ownership interests in a legal entity are sold or transferred in a single transaction, as defined, the real property owned by that legal entity has changed ownership whether or not any one legal entity or person that is a party to the transaction obtains control, as defined.

SB 1327

Building Homes and Jobs Act. (Atkins)

Current law, the Building Homes and Jobs Act, imposes a charge of Senate Dead \$75 to be paid at the time of the recording of every real estate instrument, paper, or notice required or permitted by law to be recorded, per each single transaction per parcel of real property, not to exceed \$225. This bill would state the intent of the Legislature to enact legislation that would provide clarifying amendments to the provisions described above.

Landlord-tenant: 3rd-party payments. (Ting)

Would prohibit a landlord from refusing to accept payment from a 8/28/2018 - Signed into law third party of a tenant's rent if the third party does not reside on the premises and provides the landlord or agent with a signed acknowledgment that acceptance of the rent does not establish a landlord-tenant relationship between the landlord and the third party.

AB 2343

Real property: possession: unlawful detainer. (Chiu)

Existing law establishes a procedure, known as an unlawful 9/5/2018 - Signed into law detainer action, that a landlord must follow in order to evict a tenant. Existing law provides that a tenant is subject to such an action if the tenant continues to possess the property without permission of the landlord in specified circumstances, including when the tenant has violated the lease by defaulting on rent or failing to perform a duty under the lease, but the landlord must first give the tenant a 3-day notice to the violation or vacate. This bill would change the notice period to exclude judicial holidays, including Saturday and Sunday.



701 Ocean Street, Fifth Floor, Room 510 Santa Cruz, CA 95060 (831) 454-2772 Fax (831) 454-2411 TDD: 711 commissions@santacruzcounty.us

Scheduled Meetings

Unless otherwise specified, regularly scheduled Mobile and Manufactured Home Commission meetings are generally held as follows:

DAY: Third (3rd) Thursday

MONTH: Every other month (January, March, May, July, September, and November)

TIME: 9:30 AM – 11:00 AM

LOCATION: Simpkins Family Swim Center**

979 17th Avenue, Santa Cruz, CA 95062

Changes to the schedule, including special meetings, changes of location, or meeting cancellations, will be listed on the website at http://sccounty01.co.santa-cruz.ca.us/mhc/meetings.html as soon as the information becomes available.

	2019 MEETING DA	TES
DATE	TIME	LOCATION
January 17, 2019	9:30 – 11:00 AM	Simpkins Swim Center**
March 21, 2019	9:30 – 11:00 AM	Simpkins Swim Center**
May 16, 2019	9:30 – 11:00 AM	Simpkins Swim Center**
July 18, 2019	9:30 – 11:00 AM	Simpkins Swim Center**
September 19, 2019	9:30 – 11:00 AM	Simpkins Swim Center**
November 21, 2019	9:30 – 11:00 AM	Simpkins Swim Center**