



## Santa Cruz County Mobile and Manufactured Home Commission

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, January 17, 2019

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. Approve *September 20, 2018 Meeting Minutes*
2. Approve *November 15, 2018 Meeting Minutes*
3. 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.*
4. New Business/Action Items:
  - 4.1. Approve Bylaws Revisions
  - 4.2. Consider Central Coast Resident-Owned Parks Report as Standing Agenda Item
  - 4.3. SCCC 13.32 "Readiness to Serve" Follow-up
  - 4.4. SCCC 13.34 Market Rate Rental of Sublet Mobile Homes Follow-up
5. Commissioner Reports
6. Legislative Report
7. County Counsel Report
8. County Supervisor Report
9. Staff Report
10. Correspondence/Communications
11. Adjournment

**Next Meeting Scheduled for: 9:30 to 11:00 AM on Thursday, March 21, 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.*



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(831) 454-2772 Fax (831) 454-2411 TTY/TDD: 711  
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### MOBILE AND MANUFACTURED HOME COMMISSION MEETING MINUTES

DATE: September 20, 2018  
LOCATION: Simpkins Swim Center, 979 17<sup>th</sup> Avenue, Santa Cruz, CA 95062  
PRESENT: Jean Brocklebank (1<sup>st</sup> District), Henry Cleveland (2<sup>nd</sup> District),  
Rick Halterman (5<sup>th</sup> District), Charlene Garza (*Western Manufactured Housing Communities Association*)  
EXCUSED: David Allenbaugh (3<sup>rd</sup> 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.) Clarification of Chapter 13.34 – Temporary Rentals of Mobile Homes

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 15<sup>th</sup> meeting agenda.

c.) Approve Proclamation Declaring Assemblymember Mark Stone Legislator of the Year

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 (*5<sup>th</sup> 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*):

- i. 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 27<sup>th</sup> 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





# Santa Cruz County

## Mobile and Manufactured Home Commission

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### MOBILE AND MANUFACTURED HOME COMMISSION MEETING MINUTES

DATE: November 15, 2018  
LOCATION: Simpkins Family Swim Center, 979 17<sup>th</sup> Avenue, Santa Cruz, CA 95062  
PRESENT: Jean Brocklebank (*Vice Chair - 1<sup>st</sup> District*), Henry Cleveland (*Chair - 2<sup>nd</sup> District*), David Allenbaugh (*3<sup>rd</sup> District*), Carol Lerno (*Golden State Manufactured Homeowner's League*)  
EXCUSED: Rick Halterman (*5<sup>th</sup> District*), Charlene Garza (*Western Manufactured Housing Communities Association*)  
ABSENT: None  
STAFF: Ryan Thompson (*County Counsel*), Brooke Miller (*County Counsel*), Britt Harmssen (*EEO Officer*), Kaite McGrew (*Commissions Coordinator*)  
GUESTS: 2

#### Meeting convened at 9:30 AM

1. Call to Order/Roll Call/Agenda Review
2. Approve *September 20, 2018 Meeting Minutes*  
Item tabled to next meeting because a majority could not be achieved given the number of abstentions.
3. Public Comment: None
4. New Business/Action Items: None
5. Commissioner Reports
  - 5.1. Golden State Manufactured Homeowner's League (GSMOL) Report  
Lerno reported that the GSMOL hopes to increase membership.
  - 5.2. 3<sup>rd</sup> District Report  
Allenbaugh reported that a new security gate in the De Anza MHP has successfully reduced traffic in the park.
  - 5.3. 1<sup>st</sup> District Report  
Brocklebank reported that the issue regarding the sale of a mobile home in Soquel Gardens MHP has been resolved, the home has sold, and the new owner has moved in. Brocklebank and Cleveland observed the Beachcomber MHP Board of Directors election. Brocklebank reported that Carriage Acres management has not yet addressed the water sourcing issue as they've been responding to an emergency situation at a property they manage in Paradise. Brocklebank requested that the Commission consider adding a report from the Central Coast Resident-Owned Parks as standing agenda item in future meetings. Topic was tabled until next meeting.

5.4. 2<sup>nd</sup> District Report:

Chairs requested that park management data on MHP lists be audited in advance of the January space fee mailing and that online park lists be updated.

6. Legislative Report

Cleveland updated the Commission on SB136 regarding the Mobilehome Park Rehabilitation and Resident Ownership Program (MPRRORP). The Commission reviewed a GSMOL fact sheet on AB3066, and a WMA summary update of current industry legislation. Commission discussed Mobile Home Residency Law (MRLA) jurisdiction as it relates to resident park ownership. Topic tabled to the next meeting.

7. County Counsel Report

Brooke Miller introduced Ryan Thompson who will be representing County Counsel at MMHC meetings going forward. Thompson updated the Commission on the status of the Pinto Lake appeal. County Counsel expects appellants' opening brief within the week and will have thirty days to respond. Miller confirmed that Santa Cruz County is a general law County, which dictates that State regulations will generally take precedence over local ordinances. However, apparent conflicts must be reviewed on a case-by-case basis. Thompson and Miller will report back to the Commission on two issues in which the MRLA appears to be in conflict with County Code (SCCC 13.32 "readiness to serve" and SCCC 13.34 market rate rental of sublet mobile homes).

8. County Supervisor Report: None

9. Staff Report

The Commission reviewed a letter sent to MHP owners notifying them of the space fee increase they will receive in January.

10. Correspondence/Communications

**11. Adjournment at 10:14 AM**

Submitted: Kaite McGrew, *Commissions Coordinator*

**SANTA CRUZ COUNTY  
MOBILE AND MANUFACTURED HOME COMMISSION**

**BYLAWS**

1. **DUTIES AND RESPONSIBILITIES**

As set forth in Santa Cruz County Code, Chapter 2.64, the Commission shall perform the following duties:

- A. Study proposed state and federal legislation relating to mobile and manufactured home living and make recommendations regarding such legislation to the Board of Supervisors;
- B. Assess the needs of persons living in mobile and manufactured homes and make recommendations to the Board on matters under the Board's jurisdiction;
- C. Consider and advise the Board of Supervisors no later than September 1<sup>st</sup> of each year pursuant to Section 13.32.092 of the Santa Cruz County Code;
- D. Consider and advise the Board of Supervisors on other matters related to mobile and manufactured home living;
- E. Hold meetings in mobile and manufactured home parks within the County, to increase the ability of interested citizens to participate in the work of the Commission; and
- F. Accept public input on any matter within the jurisdiction of the Commission.

2. **MEMBERSHIP**

The Commission shall consist of seven (7) persons, residents of the County, appointed by the Board of Supervisors:

- A. One member shall be nominated by the Golden State Manufactured-Home Owners League (GSMOL) to represent mobile and manufactured home residents;
- B. One member shall be nominated by the Western Manufactured Housing Communities Association (WMA) to represent mobile and manufactured home park owners, managers, and operators;
- C. Each Supervisor shall nominate one (1) person, who may reside within the Supervisor's district, and who shall possess a knowledge of the mobile and manufactured home community and the issues affecting mobile and manufactured home parks and residents.

3. **TERM OF OFFICE**

Each member representing a supervisorial district shall serve for a term of four (4) years, commencing on April 1<sup>st</sup> of the year in which the member's nominating supervisor begins a full term.

Each at-large member shall serve for a term of four (4) years staggered in accordance with Subsection (a)(2) of Section 2.38.100 of the Santa Cruz County Code, with such staggering determined by lot or until replaced by the nominating body.

The unexcused absence of any member from three consecutive regular meetings as recorded in the meeting minutes of the Commission, shall be considered a vacancy and shall be reported in writing by the Mobilehome Commission to the Board of Supervisors, the Clerk of the Board, and the member vacating their seat.

4. OFFICERS

The officers of the Commission are the Chairperson and the Vice-Chairperson. Both officers shall be elected by the Commission at the May meeting to serve in such capacity for one (1) year.

Duties of the Chairperson are to preside over meetings, review and approve agendas, represent the Commission, and communicate with the Board of Supervisors. The Vice-Chairperson shall assume these same duties in the absence of the Chairperson.

5. REGULAR MEETINGS

Regular meetings of the Commission shall be held every other month on the third Thursday of the month at 9:30 AM at the Simpkins Family Swim Center (979 17<sup>th</sup> Avenue, Santa Cruz, CA 95062) unless otherwise specified in the meeting agenda. When the Chair and/or County Staff determine that meeting on the regularly scheduled day or location is not practicable, the meeting may be rescheduled to an alternate date and/or location within the same month and a meeting agenda shall be posted and distributed at least 72 hours before the meeting in accordance with regular meeting agenda procedures discussed herein.

No meeting of this Commission shall be held in any facility that prohibits the admittance of any person or persons on the basis of race, religion, color, national origin, ancestry, sex, disability, sexual orientation, gender identity, gender expression, age or any other protected characteristic. Meetings shall not be held in any facility that is inaccessible to persons with disabilities or where members of the public may not be present without making a payment or purchase.

6. SPECIAL MEETINGS

Special meetings may be called by a majority vote of the Commission or by the Chair during any regular or special meeting.

At least twenty-four (24) hours prior to each special meeting, written notice for the meeting shall be posted and mailed or emailed to each member of the Commission, and to each person or organization that has submitted a written request to the Commission for notification of such meetings. The notice shall be posted on the Commission website and in a location that is freely accessible to the public. The notice shall specify the time and place of the special meeting and the business to be transacted or discussed.

No business other than that listed on the written notice shall be considered at a special meeting.

7. QUORUM

A majority of voting members shall constitute a quorum. All official acts of the Commission shall comply with Santa Cruz County Code Section 2.38.150.

8. REGULAR MEETING AGENDAS

At least seventy-two (72) hours prior to each regular meeting, an agenda for the meeting shall be mailed or emailed to each person or organization that has submitted a written request to the Commission for notification of such meetings. The agenda shall be posted on the Commission website and in a location that is freely accessible to the public.

The agenda shall contain a brief general description of each item of business to be transacted or discussed at the meeting. No action or discussion shall be undertaken on any item not appearing on the posted agenda except that members of the Commission may briefly respond

to statements made or questions posed by persons exercising their public testimony rights or ask a question for clarification, refer the matter to County Staff or to other resources for factual information, or request County Staff to report back at a subsequent meeting concerning any matter.

Notwithstanding the foregoing, the Commission may take action on items of business not appearing on the posted agenda under the conditions stated in subsections (a) – (c) below.

- (a) Upon a determination by a majority vote of the Commission that an emergency situation exists, or;
- (b) Upon a determination by a two-thirds vote of the members of the Commission present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the Commission subsequent to the agenda being posted, or;
- (c) The item was posted for a prior meeting of the Commission occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

Public participation in Commission meetings shall be allowed as follows:

- (a) 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 that item.
- (b) The agenda will provide time at the beginning of each regular meeting for public comment on items not on the agenda which are within the subject matter jurisdiction of the Commission.
- (c) 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 comment on a particular item or the total amount of time allotted for public comment. When further discussion is required, the Commission may vote to allot time on the agenda of the following meeting.

9. SUBCOMMITTEES

Subcommittees may be appointed, as needed, by majority approval of the Commission. The Commission may terminate a subcommittee by majority approval when its function is deemed no longer necessary.

10. AMENDMENTS

Amendments to these Bylaws may be recommended to the Board of Supervisors by a majority vote of the Commission.

11. APPROVAL OF BYLAWS

These Bylaws, and any subsequent amendments thereto, shall be approved by the Board of Supervisors pursuant to the Santa Cruz County Code Section 2.38.140.

DATE ADOPTED BY COMMISSION: 01/17/2019

DATE APPROVED BY BOARD OF SUPERVISORS: <DATE>

**SANTA CRUZ COUNTY**  
**MOBILE AND MANUFACTURED HOME COMMISSION**  
**BY-LAWS**

1. DUTIES AND RESPONSIBILITIES

As set forth in Santa Cruz County Code, Chapter 2.64, the Commission shall perform the following duties:

- A. Study proposed state and federal legislation relating to ~~mobilehome~~mobile and manufactured home living and make recommendations regarding such legislation to the Board of Supervisors;
- B. Assess the needs of persons living in ~~mobilehome~~mobile and manufactured homes and make recommendations to the Board on matters under the Board's jurisdiction;
- C. Consider and advise the Board of Supervisors no later than September 1<sup>st</sup> of each year pursuant to Section 13.32.092 of the Santa Cruz County Code;
- D. Consider and advise the Board of Supervisors on other matters related to ~~mobilehome~~mobile and manufactured home living;
- E. Hold meetings in ~~mobilehome~~mobile and manufactured home parks within the County, to increase the ability of interested citizens to participate in the work of the Commission; and
- F. Accept public input on any matter within the jurisdiction of the Commission.

2. MEMBERSHIP

The Commission shall consist of seven (7) persons, residents of the County, appointed by the Board of Supervisors:

- A. One member shall be nominated by the Golden State ~~Mobilehome~~Mobilehome-Manufactured-Home Owners League (GSMOL) to represent ~~mobilehome~~mobile and manufactured home residents;
- B. One member shall be nominated by the Western ~~Mobilehome~~Mobilehome-Manufactured Housing Communities Association (WMA) to represent ~~mobilehome~~mobile and manufactured home park owners, managers, and operators;
- C. Each Supervisor shall nominate one (1) person, who may reside within the Supervisor's district, and who shall possess a knowledge of the ~~mobilehome~~mobile and manufactured home community and ~~its problems~~the issues affecting mobile and manufactured home parks and residents.

3. TERM OF OFFICE

Each member representing a supervisorial district shall serve for a term of four (4) years, commencing on April 1<sup>st</sup> of the year in which the member's nominating supervisor begins a full term.

Each at-large member shall serve for a term of four (4) years staggered in accordance with Subsection (a)(2) of Section 2.38.100 of the Santa Cruz County Code, with such staggering determined by lot or until replaced by the nominating body.

The unexcused absence of any member from three consecutive regular meetings ~~without good cause which is~~ entered-recorded in the meeting minutes of the Commission, shall be considered a vacancy and shall be reported in writing by the Mobilehome Commission ~~Chair~~ to the Board of Supervisors, the Clerk of the Board, and the member vacating ~~his or her~~ their seat.

4. OFFICERS

The officers of the Commission are the Chairperson and the Vice-Chairperson. Both officers shall be elected by the Commission at the May meeting to serve in such capacity for one (1) year.

~~A Chairperson shall be elected by the Commission members at the June meeting to serve in such capacity for one (1) year.~~ Duties of the Chairperson are to preside over meetings, prepare review and approve agendas, represent the Commission, and be responsible for communication with the Board of Supervisors. The Vice-Chairperson shall assume these same duties in the absence of the Chairperson.

5. REGULAR MEETINGS

Regular meetings of the Commission shall be held ~~monthly~~every other month on the. ~~The Commission shall meet on the fourth third Thursday of each the month at 9:30 AM at the Simpkins Family Swim Center (979 17<sup>th</sup> Avenue, Santa Cruz, CA 95062) unless otherwise specified in the meeting agenda. When the fourth Thursday is a County observed holiday or the Commission Chair and/or County Staff determines that meeting on the regularly scheduled day or location is not practicalpracticable, the Commission shall set a special meeting may be rescheduled to an alternate date and/or location within the same month and a meeting agenda shall be posted and distributed at least 72 hours before the meeting in accordance with regular meeting agenda procedures discussed herein. which would be made available to the public by contacting the Office of the County Counsel. Under no circumstances shall the Commission meet fewer than ten times in a fiscal year. Meetings shall be convened at 9:30 a.m. at the Live Oak Senior Center, 1777 Capitola Road, Santa Cruz, CA 95062, or such other facility that may be determined by the Commission.~~

No meeting of this Commission shall be held in any facility that prohibits the admittance of any person; or persons, on the basis of race, ~~religious-religion~~creed, color, national origin, ancestry, ~~physical handicap, medical condition (cancer related), marital status~~, sex, disability, sexual ~~preference~~orientation, gender identity, gender expression, age or any other protected characteristic (over 40), or veteran status. Meetings shall not be held in any facility that is inaccessible to ~~disabled~~persons with disabilities, or where members of the public may not be present without making a payment or purchase.

6. SPECIAL MEETINGS

Special meetings may be called by a majority vote of the Commission or by the Chair during any regular or special meeting.

At least twenty-four (24) hours prior to each special meeting, written notice an agenda for the meeting shall be posted and mailed or emailed to each member of the Commission, and to each person or organization that has submitted a written request to the Commission for notification of such meetings. The notice and shall be posted on the Commission website and in a location that is freely accessible to the public. and on the Commission website. The notice shall specify the time and place of the special meeting and the business to be transacted or discussed.

No business other than that listed on the written notice agenda shall be considered at a special meeting.



## 6.7. QUORUM

A majority of voting members shall constitute a quorum. -All official acts of the Commission shall comply with Santa Cruz County Code Section 2.38.150.

## 7.8. REGULAR MEETING AGENDAS

At least seventy-two (72) hours prior to each regular meeting, an agenda for the ~~regular~~ meeting shall be ~~mailed~~ mailed or emailed ~~to each Commission member, and to each representative of the news media and to each other person or organization who that~~ has submitted a written request to the Commission for notification of such meetings. The agenda, and shall be posted ~~at least seventy two (72) hours prior to the regular meeting at a location that is freely accessible to the public on the Commission website and in a location that is freely accessible to the public, and on the Commission website.~~

The agenda shall contain a brief general description of each item of business to be transacted or discussed at the meeting. -No action or discussion shall be undertaken on any item not appearing on the posted agenda except that members of the Commission may briefly respond to statements made or questions posed by persons exercising -their public testimony rights or ask a question for clarification, refer the matter to County Staff or to other resources for factual information, or request County Staff to report back at a subsequent meeting concerning any matter.

Notwithstanding the foregoing, the Commission may take action on items of business not appearing on the posted agenda under the conditions stated in subsections (a) – (c) below.

—Upon a determination by a majority vote of the Commission that an emergency situation exists, or;

(a)

(b) Upon a determination by a two-thirds vote of the members of the Commission present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the Commission subsequent to the agenda being posted, or;

(c) The item was posted for a prior meeting of the Commission occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

~~agenda items which came to the attention of the Commission subsequent to the agenda being posted or which require immediate attention may be added to the agenda with a majority vote during the agenda review portion of the meeting. action may be taken on an item of business not appearing on the posted agenda upon a determination by two thirds vote of the membership of the commission, or if less than two thirds of the members are present, by unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the County subsequent to the agenda being~~

~~posted. At least seventy-two (72) hours prior to each special meeting, an agenda for the special meeting shall be mailed to each Commission member and to each representative of the news media and to each other person who has submitted a written request to the Commission for notification of meetings; and shall be posted at least seventy-two (72) hours prior to the special meeting at a location that is freely accessible to members of the public. No business other than that listed on the agenda shall be considered at a special meeting.~~

Public participation in Commission meetings shall be allowed as follows:

- (a) 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 that~~ item.
- (b) ~~In addition, t~~The agenda will provide time at the beginning of each regular meeting for community public oral communications comment on items not on the agenda which are within the subject matter jurisdiction of the Commission ~~at the end of each regular meeting agenda.~~
- (c) 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 comment~~ on a particular item or the total amount of time allotted for community public oral communications comment. When further discussion is required, the Commission may vote to allot time ~~in on~~ the agenda of the following meeting.

~~8.~~

## 9. SUBCOMMITTEES

Subcommittees may be appointed, as needed, by ~~the Chairperson with the~~ majority approval of the Commission. The Commission Chairperson shall may terminate ~~the a~~ subcommittee by majority approval when its function is deemed no longer necessary.

~~All subcommittees shall comply with the notice and agenda requirements otherwise applicable to the Commission in these by-laws, except for subcommittees composed solely of less than a quorum of the members of the Commission which are not standing subcommittees of the Commission with either a continuing subject matter jurisdiction or a meeting schedule fixed by resolution or other formal action of the Commission.~~

## 10. AMENDMENTS

Amendments to these By-~~L~~aws may be recommended to the Board of Supervisors by a majority vote of the Commission.

## 11. APPROVAL OF BY-LAWS

These By-~~L~~aws, and any subsequent amendments thereto, shall be approved by the Board of Supervisors pursuant to the Santa Cruz County Code Section 2.38.140.

DATE ADOPTED BY COMMISSION: ~~June 23, 1994~~ 01/17/2019

DATE APPROVED BY BOARD OF SUPERVISORS: ~~<DATE> May 21, 1996~~



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### Scheduled Meetings

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

DAY: Third (3<sup>rd</sup>) 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 17<sup>th</sup> 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 DATES		
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**



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### Notice of Public Meeting and Agenda

DATE: Thursday, March 21, 2019

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*.\*\***

1. Call to Order/Roll Call/Agenda Review
2. Approve *January 17, 2019 Meeting Minutes*
3. 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.*
4. Presentation: Operational Plan Update from County Administrative Office  
(Britt Harmsen, *County Equal Employment Opportunity Officer*)
5. Central Coast Resident-Owned Parks Report
6. New Business/Action Items
7. Commissioner Reports
8. Legislative Report
9. County Counsel Report
10. County Supervisor Report
11. Staff Report
12. Correspondence/Communications
13. Adjournment

**Next Meeting Scheduled for: 9:30 to 11:00 AM on Thursday, May 16, 2019 at the Simpkins Family Swim Center, 979 17th Avenue, Santa Cruz, CA 95062**

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# Santa Cruz County

## Mobile and Manufactured Home Commission

701 Ocean Street, Fifth Floor, Room 510  
Santa Cruz, CA 95060

P: (831) 454-2772 F: (831) 454-2411 TTY/TDD: 711  
commissions@santacruzcounty.us

### MOBILE AND MANUFACTURED HOME COMMISSION MEETING MINUTES

DATE: January 17, 2019  
LOCATION: Simpkins Family Swim Center, 979 17<sup>th</sup> Avenue, Santa Cruz, CA 95062  
PRESENT: Jean Brocklebank (*Vice Chair - 1<sup>st</sup> District*), Henry Cleveland (*Chair - 2<sup>nd</sup> District*),  
David Allenbaugh (*3<sup>rd</sup> District*), Rick Halterman (*5<sup>th</sup> District*), Carol Lerno (*GSMOL*)  
Charlene Garza (*WMA*)  
EXCUSED: None  
STAFF: Ryan Thompson (*County Counsel*), Britt Harmssen (*EEO Officer*), Kaite McGrew  
(*Commissions Coordinator*)  
GUESTS: 3

1. Call to Order/Roll Call/Agenda Review  
Meeting convened at 9:31 AM.  
*Approve September 20, 2018 Meeting Minutes*  
Commission agreed to include case numbers in meeting minutes where appropriate and amended minutes to include Pinto Lake case number.  
Motion to approve with amendment/Second: Brocklebank/Halterman  
Ayes: Brocklebank, Cleveland, Halterman, Garza  
Abstain: Allenbaugh, Lerno  
Motion passed.
2. *Approve November 15, 2018 Meeting Minutes*  
Motion/Second: Lerno/Allenbaugh  
Ayes: Brocklebank, Cleveland, Allenbaugh, Lerno  
Abstain: Halterman, Garza  
Motion passed.
3. Public Comment: None
4. New Business/Action Items
  - 4.1. Approve Bylaws Revisions  
Commission reviewed the revised Bylaws for approval.  
Motion/Second: Brocklebank/Lerno  
Motion passed unanimously.
  - 4.2. Approve *Central Coast Resident-Owned Parks Report* as a Standing Agenda Item  
Commission discussed adding the item after Public Comment on future agendas.  
Motion/Second: Lerno/Garza  
Motion passed unanimously.
  - 4.3. SCCC 13.32 "Readiness-to-Serve"  
Item postponed indefinitely pending further review of SCCC 13.32.030(D)(9).

#### 4.4. SCCC 13.34 Market Rate Rental of Sublet Mobile Homes

Commission discussed the conditions under which a space that is subject to SCCC 13.34 can be sublet. The ordinance was determined not to be in conflict with MRLA.

### 5. Commissioner Reports

#### 5.1. 5<sup>th</sup> District Report

Halterman reported that HCD is developing support systems for AB3066 implementation. MHP residents should be able to submit claims by 2020.

#### 5.2. Western Manufactured Housing Communities Association (WMA) Report

Garza reported that AB2219, requiring park owners to accept rent payments from third parties, went into effect in 2018. New reporting requirements for MHPs subject to the Davis-Stirling Act went into effect on January 1, 2019. PG&E filed for bankruptcy which may impact PG&E MHP project completion.

#### 5.3. 3<sup>rd</sup> District Report

Allenbaugh reported that Mark Stone attended a local HOA meeting to answer questions regarding AB3066. Stone will follow up with information on how residents with rental agreements requiring arbitration for disputes will be affected by the new legislation.

#### 5.4. 1<sup>st</sup> District Report

Brocklebank consulted with Mark Failor (Deputy Executive Director at the County of Santa Cruz Housing Authority) regarding subletting requirements for MHP spaces subject to SCCC 13.32. Bell Harbor MHP has five spaces subject to the ordinance that were sublet at market rates to tenants subsidized by the Housing Authority. Brocklebank will update the Commission as information becomes available. Thompson will research how SCCC 13.32 addresses space rents for sublet mobile homes.

#### 5.5. Golden State Manufactured Homeowner's League (GSMOL) Report

Lerno reported that GSMOL would like to increase membership and encouraged Commissioners to share the benefits of membership when appropriate. Brocklebank reported that GSMOL has begun holding multiple regional conferences rather than a single annual conference for all regions. Villa Santa Cruz has not yet determined whether they are subject to Davis-Stirling or MRLA governance.

#### 5.6. 2<sup>nd</sup> District Report:

Cleveland shared Mobilehome Earthquake & Tsunami Preparedness information created by HCD for distribution during the California Office of Emergency Services Awareness Month in March. Cleveland reported that some ROPs are disputing HCD's \$10 per space fee because they believe they will not be able to access AB3066 funds or services as ROPs. Garza will follow up with HCD for more information.

### 6. Legislative Report

Halterman emphasized the amount of effort and support required to pass AB3066 and encouraged Commissioners to support mobilehome legislation that is being considered in 2019. Cleveland summarized AB173 which was introduced by Assembly Member Chau to address payments, non-payment and late payments of mobile home registration fees.

### 7. County Counsel Report

Ryan Thompson reported that the County received the Pinto Lake appeal (previously *Santa Cruz Superior Court No. 17CV01424*, now *California Sixth District Court of Appeal No. H045757*) and has received an extension to respond by April 15, 2019.

8. County Supervisor Report: None

9. Staff Report

9.1. Staff reported that MHPs have received their 2018-2019 space fee statements and to date the County has collected 18% of all monies invoiced.

9.2. The Forest Glen MHP general rent petition was dismissed by the Hearing Officer on the basis of failure to meet and confer, but park residents are working with park management toward a resolution. Commission discussed the deadlines required by the ordinance and the precedent to waive the meet and confer requirement in cases where it would not be productive.

9.3. A resident from Blue and Gold Star MHP was referred to Senior Legal Services for a consultation related to the calculation of taxes as described in SCCC 13.32.

10. Correspondence/Communications

Commission reviewed correspondence to HCD from a resident of Snug Harbor MHP. Megan Rhodes of Bay Federal Credit Union encouraged Commissioners to support R-MH Title 14 text amendments protecting MHP zoning that will be considered at the next Watsonville City Council meeting on Tuesday, January 22, 2019.

11. Adjournment

Meeting adjourned at 10:39 AM.

Submitted: Kaite McGrew, *Commissions Coordinator*





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### Scheduled Meetings

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

DAY: Third (3<sup>rd</sup>) 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 17<sup>th</sup> 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 DATES		
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**



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### Notice of Public Meeting and Agenda

DATE: Thursday, May 16, 2019

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*.\*\***

1. Call to Order/Roll Call/Agenda Review
2. Approve *March 21, 2019 Meeting Minutes*
3. 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.*
4. Central Coast Resident-Owned Parks Report
5. New Business/Action Items
  - 5.1. Election of Officers
  - 5.2. 2019 HCD Mobilehome Registration Fee and Tax Waiver Program
6. Commissioner Reports
7. Legislative Report
8. County Counsel Report
9. County Supervisor Report
10. Staff Report
11. Correspondence/Communications
12. Adjournment

**Next Meeting Scheduled for: 9:30 to 11:00 AM on Thursday, July 18, 2019 at the Simpkins Family Swim Center, 979 17th Avenue, Santa Cruz, CA 95062**

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DATE: March 21, 2019

LOCATION: Simpkins Family Swim Center, 979 17<sup>th</sup> Avenue, Santa Cruz, CA 95062

PRESENT: Jean Brocklebank (*Vice Chair - 1<sup>st</sup> District*), Henry Cleveland (*Chair - 2<sup>nd</sup> District*), David Allenbaugh (*3<sup>rd</sup> District*), Rick Halterman (*5<sup>th</sup> District*), Carol Lerno (*GSMOL*) Charlene Garza (*WMA*)

EXCUSED: None

STAFF: Ryan Thompson (*County Counsel*), Britt Harmssen (*EEO Officer*), Kaite McGrew (*Commissions Coordinator*)

GUESTS: 5

1. Call to Order/Roll Call/Agenda Review

Meeting convened at 9:31 AM

2. Approve *January 17, 2019 Meeting Minutes*

Minutes were amended to include more detail on both the 1<sup>st</sup> District and WMA reports.

Motion to approve as amended/Second: Lerno/Halterman

Motion passed, as amended, unanimously.

3. Public Comment:

John Mulhern, President of the Shoreline MHP HOA, commended Cleveland on his Santa Cruz Sentinel letter to the editor in support of AB705 and requested a cost analysis to date on the Pinto Lakes case.

4. Presentation: Operational Plan Update from County Administrative Office

Harmssen presented an update on the County's Operational Plan, including focus areas, goals, strategies and objectives. The plan is the first step in a long-term vision to change the County culture. The Commission expressed particular interest in maintaining the availability of affordable housing in the face of continuous population growth.

5. Central Coast Resident-Owned Parks Report: None

6. New Business/Action Items: None

7. Commissioner Reports

7.1. 5<sup>th</sup> District Report

7.1.1. The Commission is invited to the April 6<sup>th</sup> GSMOL meeting at 10:00 AM in the Capitola City Hall.

7.1.2. HCD is compiling a list of non-profit attorneys and expects to be ready to receive AB3066 cases by 2020.

7.1.3. Halterman reported that an update on the \$40M in unused MPROP funds can be expected after the September HCD meeting.

7.2. Golden State Manufactured Homeowner's League (GSMOL) Report

Lerno encouraged the Commission to attend the April 6<sup>th</sup> GSMOL meeting.

- 7.3. Western Manufactured Housing Communities Association (WMA) Report  
Garza reported that student MHP residents will be able to apply for Frank J. Evans Charitable Foundation 2019 college scholarships on the WMA website in April.
- 7.4. 1<sup>st</sup> District Report
- 7.4.1. Brocklebank reported on a permitting issue at Soquel Gardens MHP regarding mixed-use buildings located in MHPs. The County has permitting jurisdiction on buildings located in MHPs that are not associated with mobile home use.
- 7.4.2. The issue regarding an increase in readiness-to-serve (RTS) charges at Carriage Acres MHP is ongoing. Garza clarified that public water districts are governed by the CPUC, and therefore parks in public water districts can assess RTS charges.
- 7.4.3. Pinto Lakes has begun a one-year data collection process in preparation for submetering water service.
- 7.4.4. Cruzio has received a national grant to extend highspeed broadband services into under-utilized areas in near proximity to existing services. A list of potential areas for consideration, including several MHPs, is being compiled.
- 7.5. 3<sup>rd</sup> District Report
- 7.5.1. Allenbaugh reported on a Superior Court ruling that set aside the arbitration requirement in an individual lease agreement. An appeal in this case could have statewide ramifications for MHP residents who have arbitration clauses in their leases but wish to use legal services provided by AB3066. Allenbaugh will continue to monitor the case.
- 7.6. 2<sup>nd</sup> District Report:
- 7.6.1. Cleveland reported that Comcast recently notified MHPs that they will no longer be paying right of access fees to the parks.
- 7.6.2. CPUC is beginning a two-day hearing process to consider a plan to provide electricity only, instead of both electricity and natural gas, to MHPs. GSMOL opposes the plan.
- 7.6.3. Cleveland shared Mobilehome Earthquake & Tsunami Preparedness information created by HCD for distribution during the California Office of Emergency Services Awareness Month in March.
8. Legislative Report
- 8.1. Halterman reported that the following bills of interest to the mobilehome community are now being considered by the *State Assembly Committee on Housing and Community Development*:
- *AB11 Community Redevelopment Law of 2019* authorizes the formation of redevelopment agencies.
  - *AB36 Residential Tenancies: Rent Control* has been amended and is being reconsidered.
  - *AB519* offers the park's residential owners associations the right of first refusal (subject to specified conditions) if owners want to sell the park to a third party.
  - *AB705* protects residents from park closures and in the event of a park closure.
9. County Counsel Report:
- 9.1. Thompson reported that the County's response to the Pinto Lakes appeal is due on April 16th.

- 9.2. For clarification, the resolution of the Soquel Gardens issue confirmed County jurisdiction over “stick build” structures that contain both private uses and uses for the MHP.
- 9.3. Upon further review, Thompson confirmed that MRLA does not preempt the SCCC 13.34 as it is not in conflict with it.

10. County Supervisor Report: None

11. Staff Report

- 11.1. Staff reported that MMHC bylaws have been submitted to the Board of Supervisors for the April 16, 2019 meeting consent agenda.
- 11.2. The Blue and Gold Star MHP rent increase issue was resolved satisfactorily, and a revised rent increase notice has been issued.
- 11.3. A second Blue and Gold Star MHP issue involving base rent miscalculation was resolved during a meet and confer between park management and the resident. The resident has received reimbursement for any overcharges.
- 11.4. A resident of Antonelli Park reported an issue regarding authorization of their patio cover modifications. The situation is ongoing and is being monitored by Brocklebank, the Board of Supervisor’s office, and County staff.
- 11.5. To date the County has collected 91% of space fees billed, with nine parks outstanding. Late notices are scheduled to be mailed on March 26<sup>th</sup> advising park management of a thirty-day grace period before a 10% late fee will be assessed.
- 11.6. Annual election of officers for the Commission is scheduled for the May 16<sup>th</sup> meeting.

12. Correspondence/Communications

Commission reviewed correspondence from a resident of Snug Harbor MHP.

13. Adjournment

Meeting adjourned at 10:57 AM.

Submitted: Kaite McGrew, *Commissions Coordinator*

# **Frequently Asked Questions: Fee & Tax Waiver Program - Register Your Mobilehome California**

## **Who is eligible for this program?**

One is eligible if:

- The home was registered in California in the past by someone else.
- The owner has never registered the home in his or her name before with HCD.
- The owner hasn't previously participated in the Fee and Tax Waiver Program.

Those who have previously registered the mobilehome or manufactured home in their name but haven't paid back registration fees and taxes are not eligible.

## **Is there an income limit for the program?**

No. We want mobilehome and manufactured homeowners, regardless of their income, to register and receive title for their property. We recognize that many mobilehome or manufactured home owners are low- to moderate-income residents, including many who live on a fixed income and will find that this makes it extremely affordable to register and get title.

## **What's the benefit for someone to participate in the program?**

This program waives certain fees and taxes that could result in thousands of dollars of savings for the owner of a mobilehome. In addition to getting fees and taxes waived, there are many secondary benefits to possessing title:

- Owners won't be blocked from improving their property – whether it is to install a new water heater, upgrade their electricity, put on a roof, or add a deck, just to name a few examples. Permits require proof of title and registration.
- Owners can more easily sell their mobilehome or manufactured home with current title and registration.
- Prospective buyers of mobilehomes or manufactured homes must have a clear title and registration if they want to finance their purchase of a mobilehome or manufactured home.
- Current title and registration makes the transfer to a loved one easier.
- Owners can take advantage of utility company offers for financial assistance, upgrades, or appliance financing where appropriate.
- Having a title and registration enables property owners to apply for fire or flood insurance, where appropriate.

## **What does it cost to register a mobilehome or manufactured home?**

In most cases, fees will be \$100 or less. Owners may also be required to pay a small "use" tax, i.e., a sales tax averaging above or below a few hundred dollars on either the original purchase price or the

home retail value, whichever is lower.

## **What does the State require to show proof of ownership?**

To get started with the application process, the owner should present the previous title. If they don't have it, we can help them apply for a duplicate title and registration card.

## **Will the State check the legal status of mobilehome or manufactured homeowners who apply for the program?**

No. We do not keep records on citizenship. Homeowners will not be asked for their legal status nor will they be required to present any documentation on immigration status as part of the application.

## **How many mobilehomes or manufactured homes don't have proper titles?**

Of approximately 500,000 mobilehomes or manufactured homes in California, we estimate about 160,000 — more than one in three — may not have title in the current owners' name and have liens on their property for back taxes and fees in amounts of hundreds to several thousands of dollars each.

## **Will mobilehome or manufactured homes have to come into compliance with building codes in order to qualify?**

No. The Fee and Tax Waiver Program doesn't require that.

The only safety requirement included in this process is for the homeowner to verify, in writing, that the mobilehome or manufactured home has an operable smoke and carbon dioxide detector and a braced water heater.

## **Some mobilehome or manufactured homeowners may be eligible for local tax relief. How do they know if they owe back county taxes or State fees?**

Approximately 85 percent of all mobilehome and manufactured home owners have a home manufactured before July 1, 1980 and do not accrue local property taxes.

In 1980, the law changed and required local property tax be paid on homes manufactured after July 1 of that year. This represents about 15 percent of the owners.

Our application process will help the homeowner figure out which taxes and fees are applicable, and assist with steps needed to obtain the appropriate waiver from the State or county tax collector.

## **What if someone wants to wait to take advantage of this program?**

This program is not permanent or open ended. Current law requires participants to take advantage of this program before December 31, 2019.

## **Why did the State establish the program and what is it trying to achieve?**

It addresses a growing problem: Many low- to moderate-income mobilehome and manufactured home owners are finding themselves in situations where they can't comply with the law to register their property because they can't afford to pay back taxes and fees that have been compounding year after year.

The Legislature passed the Fee and Tax Waiver Program to incentivize these Californians to get their property back onto the California Department of Housing and Community Development registration rolls by removing the barrier of back taxes and fees. It enables homeowners to clear the slate and begin the annual process of registration affordably.

## **Check registration and title**

Unsure about the title and registration of your mobilehome? You can check the latest information with our new tool. Just [click here](#) and provide the information on the decal of your mobilehome. Then, if you are not listed as the homeowner, please contact us.

[Check Eligibility](#)

**Are you a county tax collector with questions about the Fee and Tax Waiver Program?**  
Please check our [frequently asked questions just for you](#).



TENTATIVE RULINGS ARE NOT POSTED IN UNLAWFUL DETAINER ACTIONS

No.18CV03106

Dept: 10

**BERNOSKY v EQUITY LIFESTYLES PROPERTIES INC.**

**PETITIONS TO COMPEL ARBITRATION BY EQUITY LIFESTYLE PROPERTIES INC, RON FARK, VICKI WEISSENBORN, BARBARA HOLMAN**

The motions to compel arbitration filed by Equity Lifestyle Properties, Fark, Weissenborn, and Holman as to the matters set forth in the Complaint and Cross-Complaint are denied.

Although California law has a presumption in favor of arbitrability, (*Engalla v. Permanente Medical Group, Inc.*, (1997) 15 Cal. 4th 951, 971-972) the lease provision here that provides for mandatory arbitration is unenforceable as it is both procedurally and substantively unconscionable. (see *Penilla v. Westmont Corp.*, (2016) 3 Cal. App. 5th 205, 212-218)

The arbitration provision is procedurally unconscionable in that:

-It did not detail the amount of arbitration fees. Nor were fee schedules for JAMS arbitrators attached. (see Ex. A to ELP Petition to compel filed 11/26/18)

-The lease was signed after Plaintiffs had made a significant commitment to purchase the mobile home. (Bernosky declaration ¶ no. 4)

-The arbitration clause fails to explain that Plaintiffs would be required to advance half the costs of arbitration; that their share of those costs would be in the thousands of dollars per day per arbitrator, and that there would be no arbitral fee waivers. (see Ex. A to ELP Petition to compel filed 11/26/18 and Hannon declaration ¶ no. 15)

The arbitration provision is also substantively unconscionable. “[I]t is substantively unconscionable to require a consumer to give up the right to utilize the judicial system, while imposing arbitral forum fees that are prohibitively high.” “A mandatory arbitration agreement is substantively unconscionable if it requires the payment of unaffordable fees to initiate the process.” In determining the affordability of arbitration costs, a court should conduct a case-by-case analysis, with the party resisting arbitration bearing the burden of showing the likelihood of prohibitive costs. (*Penilla* at p. 218)

Here, the arbitration clause, requiring the use of JAMS and in light of Plaintiffs’ financial conditions imposes unreasonably high arbitration costs that significantly deter, if not

**LAW AND MOTION TENTATIVE RULINGS**

**DATE: MARCH 5, 2019 TIME: 8:30 A.M.**

effectively preclude, Plaintiffs from asserting their claims. (see Ex. A to ELP Petition to compel filed 11/26/18, Hannon declaration ¶ no. 15, declarations of Bernosky ¶ no. 5; declaration A. Peri ¶ no. 15; declaration S. Peri ¶ no. 7; declaration D. Peri ¶ no. 4 )

Both procedural unconscionability and substantive unconscionability must be shown, but ‘they need not be present in the same degree’ and are evaluated on “‘a sliding scale.’” “[T]he more substantively oppressive the contract term, the less evidence of procedural unconscionability is required to come to the conclusion that the term is unenforceable, and vice versa.(Id at pp. 213-214)

Based upon the foregoing, the motions to compel arbitration are denied.



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

1. Call to Order/Roll Call/Agenda Review
2. Approve *May 16, 2019 Meeting Minutes*
3. 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.*
4. Central Coast Resident-Owned Parks Report
5. New Business/Action Items
  - 5.1. Review Fair Rate of Return Recommendation
  - 5.2. Review CPI Adjustment Letter
  - 5.3. Review Space Fee
  - 5.4. HCD Tax and Fee Waiver Program Extension Support
6. Commissioner Reports
7. Legislative Report
8. County Counsel Report
9. County Supervisor Report
10. Staff Report
11. Correspondence/Communications
12. Adjournment

**Next Meeting Scheduled for: 9:30 to 11:00 AM on Thursday, September 19, 2019 at the Simpkins Family Swim Center, 979 17th Avenue, Santa Cruz, CA 95062**

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DATE: May 16, 2019

LOCATION: Simpkins Family Swim Center, 979 17<sup>th</sup> Avenue, Santa Cruz, CA 95062

PRESENT: Jean Brocklebank (*Vice Chair - 1<sup>st</sup> District*), Henry Cleveland (*Chair - 2<sup>nd</sup> District*), David Allenbaugh (*3<sup>rd</sup> District*), Rick Halterman (*5<sup>th</sup> District*), Carol Lerno (*GSMOL*), Charlene Garza (*WMA*)

EXCUSED: None

STAFF: Angela Chesnut (*Analyst to Supervisor Leopold*), Ryan Thompson (*County Counsel*), Britt Harmssen (*EEO Officer*), Kaite McGrew (*Commissions Coordinator*)

GUESTS: 5

1. Call to Order/Roll Call/Agenda Review

Meeting was convened at 9:31 AM.

2. **Approve *March 21, 2019 Meeting Minutes***

Motion/Second: Lerno/Garza

**Motion passed unanimously.**

3. Public Comment

4. Central Coast Resident-Owned Parks Report

4.1. Cleveland reported that Whitney Barnes presented on County Adult Protective Services at the last meeting. Barnes is available to present at County MHPs upon request.

4.2. Mark Stone confirmed that the *Mobilehome Residency Law Protection Act* (AB-3066) applies all MHPs without exception.

5. New Business/Action Items:

5.1. **Election of Officers**

5.1.1. **Elect Henry Cleveland as Commission Chair**

Motion/Second: Halterman/Lerno

**Motion passed unanimously.**

5.1.2. **Elect Jean Brocklebank as Commission Vice Chair**

Motion/Second: Allenbaugh/Cleveland

**Motion passed unanimously.**

5.2. 2019 HCD Mobilehome Registration Fee and Tax Waiver Program

Cleveland gave an overview of the program which may be extended beyond the current termination date of 12/31/2019. Commission will discuss County support for extending the program at the next meeting.

6. Commissioner Reports

6.1. 5<sup>th</sup> District Report

6.1.1. Halterman reported that the AB-3066 annual fees (\$10/space) are beginning to be charged which may generate questions. County Counsel will research allowable pass-

through timing (once annually, or 12 pro-rated monthly charges).

6.2. Western Manufactured Housing Communities Association (WMA) Report

6.2.1. Garza will share notes from a recent CPUC workshop addressing whether to continue the utilities upgrade program in MHPs. The program was made permanent, although all participants rejected the electrification proposal, and most discussion centered on project cost and cost containment.

6.2.2. WMA is working to amend MRLA language around the space rental application approval process in order to allow park management to better screen applicants.

6.3. 3<sup>rd</sup> District Report

6.3.1. Allenbaugh reported that the 3/5/2019 tentative ruling in the matter of Bernosky v. Equity Lifestyles Properties (ELP) is now a Court Order.

6.4. 1<sup>st</sup> District Report

6.4.1. Brocklebank reported that County Housing Authority has not indicated if they plan to screen current MHP contracts for compliance with allowable mobilehome rental rates. A representative will be invited to attend a Commission meeting to follow-up.

6.4.2. County Counsel will follow up with clarification of how allowable readiness-to-serve (RTS) charges can be passed through to residents.

6.5. Golden State Manufactured Homeowner's League (GSMOL) Report

Lerno reported concerns regarding oversight of plot permitting for new mobilehome spaces to ensure that mobile homes are an appropriate size for the space and that placement meets requirements. New mobilehome permitting could involve transportation agencies, HCD, and the County Planning Department, all of whom need to communicate effectively to ensure compliance. Health and safety issues are reported to the HCD Mobilehome Assistance Center.

6.6. 2<sup>nd</sup> District Report: No report

7. Legislative Report

7.1. Halterman reported on the following bills of interest to the mobilehome community which are now being considered:

- *SB-274*, regarding mobilehome park tenancies, was introduced by Senator Dodd and has passed out of Committee to the Assembly. The bill could expand the number of non-senior residents allowed to live as companions to seniors in senior parks.
- *AB-1482 Statewide Rent Control Bill*: Esperanza Ross (*GSMOL Legislative Advocate*) and Bruce Stanton (*GSMOL Corporate Counsel*) have requested that the authors of the bill exclude MHPs because of existing MHP rent control regulations.
- *AB-3066 Mobilehome Residency Law Protection Act* implementation is ongoing.
- *AB-705 Mobilehome Parks Change of Use*, which would protect residents from park closures, was pulled from committee for lack of sufficient support. SCCC 13.30 is the County ordinance regarding mobilehome park conversion.

8. County Counsel Report:

8.1. Thompson reported that the Pinto Lakes Appellant's deadline to file its Reply Brief was moved from May 6 to June 5 due to a death in Appellant's counsel's family.

8.2. Bernosky v. Equity Lifestyles Properties (ELP) was adopted by the Court ruling that mandatory arbitration in leases may not be enforceable because of circumstances related to affordability.

9. County Supervisor Report:
  - 9.1. Chesnut announced two community meetings in May, hosted by the Soquel Creek Water District regarding *the Pure Water Soquel Project* and protecting mid-county groundwater from seawater contamination.
  - 9.2. The East Cliff Family Health Center is holding a five-year anniversary celebration on Saturday, May 18, 2019.
  - 9.3. Family movie nights will be held this summer on the 1<sup>st</sup> Friday (Heart of Soquel Park) and 3<sup>rd</sup> Friday (Felt Street Park) of each month, starting on June 7, 2019.
10. Staff Report
  - 10.1. MMHC Bylaws were approved by the Board of Supervisors on May 14, 2019.
  - 10.2. A new General Rent Adjustment Petition has been filed by the residents at Pleasure Point MHP regarding whether road repairs were park maintenance or capital improvements, which would allow the expense to be passed through to residents.
  - 10.3. Adult Protective Services staff were referred to the HCD Mobilehome Assistance Center and were assisted successfully with a hoarding concern in De Anza MHP.
  - 10.4. Three resident requests for information, regarding health and safety concerns, and oversight of real estate transactions, were received and referred to the HCD Mobilehome Assistance Center.
  - 10.5. All space fees were collected before the grace period expired.
  - 10.6. The website was updated with current HCD contact information, and a direct, highlighted link to the HCD Mobilehome Registration and Tax Waiver Program page.
  - 10.7. Staff will create a shortened URL for the MMHC website to make it easier to share.
11. Correspondence/Communications: None
12. Adjournment

Meeting was adjourned at 10:50 AM.

Submitted: Kaite McGrew, *Commissions Coordinator*



# 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

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**Siobhan Kelley**  
**Ruby Márquez**

**Melissa C. Shaw**  
**Ryan Thompson**  
**Aerin Murphy**

July 18, 2019

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

**RE: Accept and Adopt the Recommendation of the Mobile and Manufactured Home Commission that the Reasonable Rate of Return for Qualified Mobile Home Park Capital Improvements Remain at Twelve Percent (12%)**

Dear Members of the Board:

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

Subsection 13.32.030(D)(4) of the *Rental Adjustment Procedures for Mobile Home Parks* ordinance provides that the annual automatic general rent adjustment for a mobile home park may, subject to specified exceptions, include a pass-through of 50 percent (50%) of the cost 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 (50%) of the cost of a capital improvement is passed through to residents pursuant to Subsection 13.32.030(D)(5)(g) of the *Rental Adjustment Procedures for Mobile Home Parks* ordinance. The ordinance 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 ordinance, your Board, acting upon an annual recommendation from the Mobile and Manufactured Home Commission, sets the rate of return. Since 1980, the rate of return has been established at twelve percent (12%).

After a public hearing at its meeting of July 18, 2019, the Mobile and Manufactured Home 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 Mobile and Manufactured Home Commission that the reasonable rate of return for qualified mobile home park capital improvement remain at twelve percent (12%).

Very truly yours,

DANA McRAE, COUNTY COUNSEL

By \_\_\_\_\_  
RYAN THOMPSON  
ASSISTANT COUNTY COUNSEL





## Santa Cruz County Mobile and Manufactured Home Commission

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

July 18, 2019

**RE: 2019 Consumer Price Index Rent Adjustment for 2020 Space Rents**

Dear Park Owner:

Enclosed please find the rates for *both* Mobile Home space rentals and RV space rentals. Please note that each type of rental has a different rate, using a different calculation.

Please refer to the letter entitled “**Consumer Price Index Rent Adjustment for 2020 Mobile Home Space Rents**” when calculating space rental rates for Mobile Home units.

Please refer to the letter entitled “**Consumer Price Index Rent Adjustment for 2020 RV Space Rents**” when calculating space rental rates for RV units.

Sincerely,

Kaite McGrew  
*Commissions Coordinator*

cc: Santa Cruz County Board of Supervisors  
Mobile and Manufactured Home Commission  
Creighton Mendivil, Senior Citizens Legal Services  
California Rural Legal Assistance (CRLA)



## Santa Cruz County Mobile and Manufactured Home Commission

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(831) 454-2772 Fax (831) 454-2411 TTY/TDD: 711  
commissions@santacruzcounty.us

July 18, 2019

### Consumer Price Index Rent Adjustment for 2020 Mobile Home Space Rents

Dear Mobile Home Park Owner:

Under the terms of Chapter 13.32 of the Santa Cruz County Code (*Rental Adjustment Procedures for Mobile Home Parks*), park owners may make adjustments to space rents once each year.

Section 13.32.030(D)(3) of the Santa Cruz County Code allows a park owner to adjust the rents in their 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 July 1<sup>st</sup> of the year before the rent adjustment will go into effect. A copy of the Consumer Price Index (CPI) for June 2019, as reported by the Bureau of Labor Statistics, can be found on the back of this page. The CPI adjustment for 2020 mobile home space rents is determined to be 115.64% or less, calculated as follows:

#### 2020 CPI Mobile Home Space Rent Adjustment Calculation

July 1, 2019 (for use in 2020)	907.709 (Adjusted Index)
July 1, 1981 (for use in 1982)	<u>274.000</u> (Adjusted Index)
	633.709
	633.709 Total CPI Increase
(633.709 divided by 274.00) x 100 = 231.28 % (Percentage Increase)	
Fifty percent of 231.28 % =	<b>115.64% (2020 CPI Rent Adjustment)</b>

The CPI adjustment, when multiplied by and then added to the 1982 base rent, becomes part of an allowable 2020 general rent adjustment.

Sincerely,

Kaite McGrew

Commissions Coordinator

cc: Santa Cruz County Board of Supervisors  
Mobile and Manufactured Home Commission  
Creighton Mendivil, Senior Citizens Legal Services  
California Rural Legal Assistance (CRLA)

**Table 1. Consumer Price Index for All Urban Consumers (CPI-U): Indexes and percent changes for selected periods San Francisco-Oakland-Hayward, CA (1982-84=100 unless otherwise noted)**

Item and Group	Indexes			Percent change from-		
	Apr. 2019	May 2019	Jun. 2019	Jun. 2018	Apr. 2019	May 2019
<b>Expenditure category</b>						
All items.....	294.801	-	295.259	3.2	0.2	-
All items (1967=100) .....	906.300	-	907.709	-	-	-
Food and beverages .....	288.243	-	290.452	4.6	0.8	-
Food .....	285.888	-	288.914	5.1	1.1	-
Food at home .....	252.639	254.863	257.789	2.4	2.0	1.1
Cereals and bakery products .....	258.149	-	259.205	-0.3	0.4	-
Meats, poultry, fish, and eggs.....	250.400	-	258.545	4.7	3.3	-
Dairy and related products .....	261.768	-	264.976	-1.1	1.2	-
Fruits and vegetables.....	342.744	-	347.822	4.3	1.5	-
Nonalcoholic beverages and beverage materials(1) .....	204.278	-	200.398	-0.9	-1.9	-
Other food at home .....	216.998	-	226.017	2.9	4.2	-
Food away from home.....	324.339	-	325.183	7.4	0.3	-
Food away from home.....	324.339	-	325.183	7.4	0.3	-
Alcoholic beverages .....	316.507	-	311.910	1.0	-1.5	-
Housing .....	346.105	-	347.397	2.8	0.4	-
Shelter .....	395.518	396.532	396.831	2.8	0.3	0.1
Rent of primary residence(2).....	453.935	454.898	452.744	2.8	-0.3	-0.5
Owners' equiv. rent of residences(2)(3).....	424.098	424.539	425.284	2.8	0.3	0.2
Owners' equiv. rent of primary residence(1)(2) .....	424.098	424.539	425.284	2.8	0.3	0.2
Fuels and utilities.....	415.874	-	419.833	5.2	1.0	-
Household energy .....	359.515	366.047	365.063	4.0	1.5	-0.3
Energy services(2) .....	360.524	367.134	366.460	4.2	1.6	-0.2
Electricity(2).....	373.923	391.199	391.199	4.9	4.6	0.0
Utility (piped) gas service(2).....	320.999	302.619	300.392	2.3	-6.4	-0.7
Household furnishings and operations.....	139.090	-	139.650	0.9	0.4	-
Apparel .....	117.181	-	114.989	7.5	-1.9	-
Transportation .....	210.749	-	210.896	1.1	0.1	-
Private transportation .....	204.281	-	203.699	1.1	-0.3	-
New and used motor vehicles(4).....	93.188	-	95.053	-2.7	2.0	-
New vehicles(1).....	158.086	-	159.898	-3.1	1.1	-
Used cars and trucks(1) .....	253.407	-	253.982	0.4	0.2	-
Motor fuel .....	290.028	297.662	280.364	1.1	-3.3	-5.8
Gasoline (all types).....	289.129	296.691	279.331	1.1	-3.4	-5.9
Gasoline, unleaded regular(4).....	289.818	297.438	279.819	1.2	-3.5	-5.9
Gasoline, unleaded midgrade(4) (5) .....	266.200	275.585	259.713	0.8	-2.4	-5.8
Gasoline, unleaded premium(4)....	271.738	278.343	262.894	0.8	-3.3	-5.6
Motor vehicle insurance(1).....	516.426	-	516.426	2.1	0.0	-
Medical care .....	537.178	-	538.854	5.4	0.3	-
Recreation(6).....	119.255	-	116.648	0.9	-2.2	-
Education and communication(6).....	151.482	-	151.694	5.9	0.1	-
Tuition, other school fees, and child care(1) .....	1,836.560	-	1,836.560	10.3	0.0	-
Other goods and services .....	499.587	-	499.018	1.0	-0.1	-
<b>Commodity and service group</b>						
All items.....	294.801	-	295.259	3.2	0.2	-
Commodities .....	195.833	-	194.969	2.4	-0.4	-
Commodities less food & beverages.....	146.132	-	143.834	0.3	-1.6	-
Nondurables less food & beverages ....	196.693	-	191.919	1.5	-2.4	-
Durables .....	97.745	-	97.689	-1.6	-0.1	-

Note: See footnotes at end of table.



## Santa Cruz County Mobile and Manufactured Home Commission

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

July 18, 2019

### Consumer Price Index Rent Adjustment for 2020 RV Space Rents

Dear RV Park Owner:

Under the terms of Chapter 13.32 of the Santa Cruz County Code (*Rental Adjustment Procedures for Mobile Home Parks*), park owners may make adjustments to space rents once each year. Section 13.32.102 of the ordinance defines base rents for RV parks to be that amount of rent charged as of January 1, 1999.

It is the opinion of the Santa Cruz County Counsel's office that an RV park owner may adjust the rent in their 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, 1998 and July 1<sup>st</sup> of the year before the rent adjustment will go into effect. A copy of the Consumer Price Index (CPI) for June 2019, as reported by the Bureau of Labor Statistics, can be found on the back of this page. **The CPI adjustment for 2020 RV space rents is determined to be 39.20% or less**, calculated as follows:

#### 2020 CPI RV Space Rent Adjustment Calculation

July 1, 2019 (for use in 2020)	907.709 (Adjusted Index)
July 1, 1998 (for use in 1999)	<u>508.800</u> (Adjusted Index)
	398.909
	398.909 Total CPI Increase
(398.909 divided by 508.800) x 100 = 78.40% (Percentage Increase)	
Fifty percent of 78.40% =	<b>39.20% (2020 CPI Rent Adjustment)</b>

The CPI adjustment, when multiplied by and then added to the 1999 base rent, becomes part of an allowable 2020 general rent adjustment.

Additionally, in keeping with the intent of the Ordinance, it is also the opinion of the Santa Cruz County Counsel's office that the appropriate property tax adjustment must be based on a formula which uses the 1998/1999 taxes as compared to those of 2019/2020.

Sincerely,

Kaite McGrew

Commissions Coordinator

cc: Santa Cruz County Board of Supervisors  
Mobile and Manufactured Home Commission  
Creighton Mendivil, Senior Citizens Legal Services  
California Rural Legal Assistance (CRLA)

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Nondurables less food & beverages .....	196.693	-	191.919	1.5	-2.4	-
Durables .....	97.745	-	97.689	-1.6	-0.1	-

Note: See footnotes at end of table.



April 2, 2019

The Honorable Lorena Gonzalez  
Chairwoman, Assembly Appropriations Committee  
State Capitol, Room 2114  
Sacramento, CA 95814

**RE: AB 173 (Chau) – Oppose Unless Amended**

Dear Chairwoman Gonzalez,

On behalf of the California Association of County Treasurers and Tax Collectors (CACTTC), I write to respectfully request that when your committee hears AB 173, that your committee include amendments that do the following:

1. Narrow the Fee and Tax Waiver program to only include ILT mobile homes registered with Department of Housing and Community Development and eliminate LPT mobile homes which are taxable at the County level.
2. Include language to prohibit park owners from utilizing the program;
3. Reinstitute a requirement that mobile homes register annually with either the Department of Motor Vehicles or the Department of Housing and Community Development, and display a sticker on the home signifying that the home has current registration, thus also indicating that their taxes are current, and;

As the author may recall, there were substantial concerns raised by CACTTC on the measure to establish this program; our final letter on that measure is enclosed. Further enclosed are comments made to HCD raising concerns about how the program appears to be utilized by park owners. This program, despite substantial outreach, has yielded little result for individual homeowners who failed to execute the appropriate paperwork when purchasing the home some years ago. The program has cost the State more than the program has produced in bringing homes current, and AB 587 did not make any long-term reforms like annual or bi-annual registration stickers that would have fixed the underlying problem identified by park owners, which is that they do not have direct knowledge of the status of mobile homes' taxes and registration.

Data provided by the Department of Housing and Community Development demonstrate that there is far more utilization of this program regarding mobile homes registered with the DMV, and thusly, owing the State. There is little activity occurring at the County level. Upon introduction of AB 173, CACTTC membership shared information amongst their colleagues, and it has become evident that park owners are the most likely person using the program at the county level.

**California Association of County Treasurers and Tax Collectors**  
1415 L Street, Suite 1000 • Sacramento, California 95814  
**Phone:** (916) 441-1850 • **Fax:** (916) 441-6178  
**Website:** [www.cacttc.org](http://www.cacttc.org)

Park owners have expressed their frustration that homes in their parks may sit abandoned for years, but park owners state have no direct knowledge of the status of the home and whether or not they are current on their taxes. Park owners are not noticed by the State regarding any delinquent taxes owed by the home owners. CACTTC concurs that this is problematic but there is a solution: information regarding properties with county defaulted taxes are available to the public and thus, that information is readily available to park owners. County Tax Collectors can also work with park owners that may be concerned about a home in the park that may not be on the county tax rolls but still have a title that is searchable.

While CACTTC appreciates the frustration of park owners regarding abandoned homes, CACTTC has already worked with the parks owners on legislation to authorize the park owner to remove the abandoned home from their park and dispose of it (AB 999, Daly, 2015). Park owners are disinclined to use this program if the abandoned home is habitable, and would rather take over the home and rent it out. Using AB 587's program to effectuate this outcome seems to run counter to what the program was established for; further, if the park owner purchases the home in a warehouseman's lien auction for \$1.00, the only fees and taxes they pay are for the last two years, and then they own a home without any mortgage; most likely the home is worth tens of thousands of dollars, and is likely being rented out. CACTTC does not believe this was outcome was ever the intended purpose of AB 587 or the legislators that voted for the bill.

While we can appreciate not disposing of a home that is habitable, the reality is that park owners are using a program that was clearly and overtly intended for individuals that may not have understood the laws governing the transfer of title on mobile homes. It is illogical to assume that park owners do not know the laws relative to the sale of a mobilehome; other parts of AB 587 included notifications to residents about **existing laws** governing mobile home parks:

***If a home complies with certain standards, the homeowner is entitled to sell it in place in the park. If you sell your home, you are required to provide a manufactured home and mobilehome transfer disclosure statement to the buyer prior to sale. (Civil Code Section 1102.6d) When a home is sold, the owner is required to transfer the title to the buyer. The sale of the home is not complete until you receive the title from the seller. It is the responsibility of the buyer to also file paperwork with the Department of Housing and Community Development to register the home in his or her name. (Civil Code Sections 798.70–798.74).....***

***In California, mobilehome owners must pay annual property tax to the county tax collector or an annual fee in lieu of taxes to the Department of Housing and Community Development (HCD). If you are unsure which to pay, contact HCD. Failure to pay taxes or in lieu fees can have serious consequences, including losing your home at a tax sale. ....***

***For more information on registration, titling, and taxes, contact: the Department of Housing and Community Development [www.hcd.ca.gov](http://www.hcd.ca.gov) (800) 952-8356; your County Tax Collector; or call your local county government.***

California Association of County Treasurers and Tax Collectors  
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Website: [www.cacttc.org](http://www.cacttc.org)



As of January 21, 2019, HCD has received 2116 Fee and Tax Waiver Program applications and completed 1698 out of the 2116. Only 260 of the 1698 applicants who completed the process owned Local Property Tax (LPT) units.

Alameda: 2	Mendocino: 1	Shasta: 2
Butte: 6	Merced: 8	Solano: 2
Calaveras: 2	Napa: 2	Sonoma: 1
Del Norte: 4	Orange: 6	Sutter: 6
El Dorado: 1	Placer: 4	Tulare: 3
Fresno: 16	Plumas: 1	Tuolumne: 2
Humboldt: 1	Riverside: 31	Yolo: 3
Imperial: 5	Sacramento: 12	Yuba: 1
Kern: 39	San Benito: 1	
Kings: 1	San Bernardino: 34	
Lake: 3	San Diego: 7	
Los Angeles: 43	San Joaquin: 6	
Madera: 1	San Mateo: 1	
Mariposa: 1	Santa Clara: 1	

Given the low utilization rate, and in lights of the focus and effort already expended by the State and Counties to bring in delinquent and defaults owners by promoting this program in several ways, coupled with the fact that the intended population to benefit from this bill is not actually seeming to benefit, we ask to be removed from this program and for the Legislature to expend effort and resources on durable, large-scale reforms that create long-term solutions to mobile home titling and taxation – which starts with biannual registrations. We do not believe that the underlying goal of AB 587 is being met.

We thank you in advance for your consideration of our request.

Sincerely,



Karen Lange  
CACTTC Legislative Advocate

CC: Assemblyman Chau  
Members and Consultants, Assembly Appropriations Committee  
CACTTC Legislative Committee  
CSAC  
RCRC

enclosures

**California Association of County Treasurers and Tax Collectors**  
1415 L Street, Suite 1000 • Sacramento, California 95814  
Phone: (916) 441-1850 • Fax: (916) 441-6178  
Website: [www.cacttc.org](http://www.cacttc.org)





## Santa Cruz County Mobile and Manufactured Home Commission

701 Ocean Street, Fifth Floor, Room 510  
Santa Cruz, CA 95060  
(831) 454-2772 Fax (831) 454-2411 TTY/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 (3<sup>rd</sup>) 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 17<sup>th</sup> 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 DATES		
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**



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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, September 19, 2019

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*.\*\***

1. Call to Order/Roll Call/Agenda Review
2. Approve *July 18, 2019 Meeting Minutes*
3. 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.*
4. Central Coast Resident-Owned Parks Report
5. New Business
  - 5.1. Santa Cruz County Housing Authority Update – Mark Failor, *Deputy Director*
  - 5.2. Space Fee Fund Management
  - 5.3. Honoring Significant Contributors to the Mobile and Manufactured Home Community
6. Commissioner District Reports
7. Legislative Report
8. County Counsel Report
9. County Supervisor Report
10. Staff Report
11. Correspondence
12. Adjournment

**Next Meeting Scheduled for: 9:30 to 11:00 AM on Thursday, November 21, 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 room is accessible for people with disabilities. If you wish to attend this meeting and require accommodation to participate in the meeting, please contact (831) 454-2772 (TTY/TDD:711 ) at least 72 hours in advance of the meeting to make arrangements.*



# Santa Cruz County

## Mobile and Manufactured Home Commission

701 Ocean Street, Fifth Floor, Room 510, Santa Cruz, CA 95060

P: (831) 454-2772 F: (831) 454-2411 TTY/TDD: 711

commissions@santacruzcounty.us

### MOBILE AND MANUFACTURED HOME COMMISSION MEETING MINUTES

DATE: July 18, 2019  
LOCATION: Simpkins Family Swim Center, 979 17<sup>th</sup> Avenue, Santa Cruz, CA 95062  
PRESENT: Jean Brocklebank (*Vice Chair - 1<sup>st</sup> District*), Henry Cleveland (*Chair - 2<sup>nd</sup> District*), Rick Halterman (*5<sup>th</sup> District*), Carol Lerno (*GSMOL*),  
EXCUSED: David Allenbaugh (*3<sup>rd</sup> District*), Charlene Garza (*WMA*)  
STAFF: Ryan Thompson (*County Counsel*), Kaite McGrew (*Commissions Coordinator*)  
GUESTS: 5

1. Call to Order/Roll Call/Agenda Review

Meeting was convened at 9:30 AM. The Commission observed a moment of silence to commemorate the passing of Janell Lund-Mann, the daughter of former Commissioner, Bonnie Lund.

2. **Approve May 16, 2019 Meeting Minutes**

Motion/Second: Lerno/Halterman

Ayes: Cleveland, Halterman, Lerno

Nays: Brocklebank

**Motion passed.**

3. Public Comment

4. Central Coast Resident-Owned Parks Report

4.1. Cleveland reported that a representative from a company installing solar panels in mobile home parks indicated that several parks have begun to provide their own solar power as a means of generating revenue instead of using municipal utilities.

4.2. The next Central Coast Resident-Owned Parks meeting will be held on August 3, 2019.

5. New Business/Action Items:

5.1. **Approve Recommending that the Fair Rate of Return Remain at 12%.**

Motion/Second: Halterman/Lerno

**Motion passed unanimously.**

5.2. Review CPI Adjustment Letters

Commission reviewed CPI adjustment notifications to be sent on July 19, 2019.

5.3. **Approve Recommending that the Space Fee Remain at \$38 per Space per Year.**

Motion/Second: Brocklebank/Lerno

**Motion passed unanimously.**

5.4. 2019 HCD Mobilehome Registration Fee and Tax Waiver Program

Cleveland gave an overview of the program and discussed California Association of County Treasurers and Tax Collectors (CACTTC) letter to the Assembly Appropriations Committee opposing AB-173 unless amended. Brocklebank found some elements of the argument compelling.

6. Commissioner Reports

6.1. 5<sup>th</sup> District Report

6.1.1. Halterman reported that preparations for the implementation of AB-3066 continue. Additional funding has been secured to provide 5-7 new positions to staff the program. Projections indicate the program should receive approximately 7500 complaints per year, with 63% of those complaints being validated and actionable.

6.2. Western Manufactured Housing Communities Association (WMA) Report: No Report

6.3. 3<sup>rd</sup> District Report: No Report

6.4. 1<sup>st</sup> District Report

6.4.1. Brocklebank reported that a Soquel Gardens resident has been referred to Senior Legal Services to address an issue regarding how utilities are being charged.

6.4.2. Carriage Acres residents sent a letter to park management indicating that they believe that MRLA requirements supersede local ordinance requirements. They are disputing the Readiness-to-Serve charges which were not assessed by Soquel Water, and they believe should not be charged by the park.

6.5. Golden State Manufactured Homeowner's League (GSMOL) Report:

Lerno encouraged mobile home park residents to get involved to ensure that mobile home parks retain their legal protections.

6.6. 2<sup>nd</sup> District Report

6.6.1. Cleveland reviewed County Operational Plan objectives and reported that while there are objectives to expand affordable housing stock in Santa Cruz County, there are no objectives to preserve existing affordable housing stock.

6.6.2. Cleveland confirmed that there are no known mobile home parks continuing to pay fees to the Department of Motor Vehicles (DMV).

6.6.3. Cleveland confirmed that a representative from Housing Authority will be invited to the September meeting.

7. Legislative Report

7.1. Halterman reported on the following bills of interest to the mobilehome community which are now being considered:

- *SB-274*, regarding mobilehome park tenancies, has passed out of Committee to the Assembly.
- *AB-1482 Statewide Rent Control Bill* has been amended to exclude MHPs because of existing MHP rent control regulations.

8. County Counsel Report:

8.1. Thompson reported that no hearing date has been set in the Pinto Lakes matter, but he will inform the Commission when more information becomes available.

8.2. County Counsel confirmed that the allowable pass-through timing (once annually, or 12 pro-rated monthly charges) for the AB-3066 \$10 fee is unclear in the statute. Halterman advised that most parks he is aware of have charged the fee once per year.

9. County Supervisor Report: No Report

10. Staff Report

10.1. The hearing for the General Rent Adjustment Petition filed by residents at Pleasure Point MHP is scheduled for July 30, 2019 from 1:00 -5:00 PM in the Board Chambers.

- 10.2. A referral has been made to Senior Legal Services for the Soquel Gardens resident mentioned by Brocklebank.
- 10.3. A Country Villa resident expressed concern about how taxes are being calculated in the rent adjustment. They have not yet received a referral.
- 10.4. Staff requested that Commissioners bring legal inquiries to meetings and that County Counsel respond to them during meetings whenever possible. For more time-sensitive issues, inquiries should be routed to Staff, who will then route them to County Counsel as appropriate. Members of the public should be encouraged to copy the Commission on correspondence of interest, rather than copying County Counsel. These efforts are requested to better contain costs that deplete the space fee fund.
- 10.5. Staff will add "Space Fee Fund Management" to the September agenda.
- 11. Correspondence  
Commission discussed correspondence review process.
- 12. Adjournment  
Meeting was adjourned at 10:52 AM.

Submitted by: Kaite McGrew, *Commissions Coordinator*



## Santa Cruz County CA

Approved  
Aug 27, 2019 9:00 AM

### Agenda Item DOC-2019-640

**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%), as recommended by County Counsel**

#### Information

<b>Department:</b>	County Counsel	<b>Sponsors:</b>	County Counsel Dana McRae
<b>Category:</b>	CC - Board Letter	<b>Functions:</b>	General Government

#### Attachments

[Board Memo](#)

#### Financial Impact

None.

#### Board Letter

##### **Recommended Action(s):**

Accept and adopt the recommendation of the Mobile and Manufactured Home Commission that the reasonable rate of return for qualified mobile home park capital improvements remain at twelve percent (12%).

##### **Executive Summary**

Pursuant to Subsection 13.32.092 of the *Rental Adjustment Procedures for Mobile Home Parks* ordinance, your Board, for certain mobile home park capital improvements, sets the rate of return. Since 1980, the rate of return has been established at twelve percent (12%).

##### **Background**

Subsection 13.32.030(D)(4) of the *Rental Adjustment Procedures for Mobile Home Parks* ordinance provides that the annual automatic general rent adjustment for a mobile home park may, subject to specified exceptions, include a pass-through of fifty percent (50%) of the cost 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 fifty percent (50%) of the cost of a capital improvement is passed through to residents pursuant to Subsection 13.32.030(d)(5)(g) of the *Rental Adjustment Procedures for Mobile Home Parks* ordinance. The ordinance 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.

##### **Analysis**

After a public hearing at its meeting of July 18, 2019, the Mobile and Manufactured Home Commission voted to recommend that the reasonable rate of return remain at the existing rate of twelve percent (12%).

Body

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**Strategic Plan Element(s)**

4a - Attainable Housing and 6a - Operational Excellence. This item strikes a balance between a reasonable rate of return for park owners and rent adjustments for residents.

Meeting History

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<b>Aug 27, 2019 9:00 AM Video</b>	<b>Board of Supervisors</b>	<b>Regular Meeting</b>	 <b>Draft</b>
<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>		
<b>MOVER:</b>	John Leopold, First District Supervisor		
<b>SECONDER:</b>	Greg Caput, Vice Chair, Fourth District Supervisor		
<b>AYES:</b>	John Leopold, Zach Friend, Ryan Coonerty, Greg Caput, Bruce McPherson		

Discussion

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 [Add Comment](#)



## County of Santa Cruz Board of Supervisors

### Agenda Item Submittal

**From:** County Counsel

(831) 454-2040

**Subject:** Reasonable Rate of Return for Qualified Mobilehome Park Capital Improvements

**Meeting Date:** August 27, 2019

### Recommended Action(s):

Accept and adopt the recommendation of the Mobile and Manufactured Home Commission that the reasonable rate of return for qualified mobile home park capital improvements remain at twelve percent (12%).

### Executive Summary

Pursuant to Subsection 13.32.092 of the *Rental Adjustment Procedures for Mobile Home Parks* ordinance, your Board, for certain mobile home park capital improvements, sets the rate of return. Since 1980, the rate of return has been established at twelve percent (12%).

### Background

Subsection 13.32.030(D)(4) of the *Rental Adjustment Procedures for Mobile Home Parks* ordinance provides that the annual automatic general rent adjustment for a mobile home park may, subject to specified exceptions, include a pass-through of fifty percent (50%) of the cost 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 fifty percent (50%) of the cost of a capital improvement is passed through to residents pursuant to Subsection 13.32.030(d)(5)(g) of the *Rental Adjustment Procedures for Mobile Home Parks* ordinance. The ordinance 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.

### Analysis

After a public hearing at its meeting of July 18, 2019, the Mobile and Manufactured Home Commission voted to recommend that the reasonable rate of return remain at the existing rate of twelve percent (12%).

### Financial Impact

None.

### Strategic Plan Element(s)



4a - Attainable Housing and 6a - Operational Excellence. This item strikes a balance between a reasonable rate of return for park owners and rent adjustments for residents.

**Submitted by:**

Dana McRae, County Counsel



# 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**  
**Jordan Sheinbaum**  
**T. Brooke Miller**

**Nancy A. de la Peña**  
**Siobhan Kelley**  
**Ruby Márquez**

**Melissa C. Shaw**  
**Ryan Thompson**  
**Aerin Murphy**

July 18, 2019

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

**RE: Accept and Adopt the Recommendation of the Mobile and Manufactured Home Commission that the Reasonable Rate of Return for Qualified Mobile Home Park Capital Improvements Remain at Twelve Percent (12%)**

Dear Members of the Board:

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

Subsection 13.32.030(D)(4) of the *Rental Adjustment Procedures for Mobile Home Parks* ordinance provides that the annual automatic general rent adjustment for a mobile home park may, subject to specified exceptions, include a pass-through of 50 percent (50%) of the cost 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 (50%) of the cost of a capital improvement is passed through to residents pursuant to Subsection 13.32.030(D)(5)(g) of the *Rental Adjustment Procedures for Mobile Home Parks* ordinance. The ordinance 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 ordinance, your Board, acting upon an annual recommendation from the Mobile and Manufactured Home Commission, sets the rate of return. Since 1980, the rate of return has been established at twelve percent (12%).

After a public hearing at its meeting of July 18, 2019, the Mobile and Manufactured Home 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 Mobile and Manufactured Home Commission that the reasonable rate of return for qualified mobile home park capital improvement remain at twelve percent (12%).

Very truly yours,

DANA McRAE, COUNTY COUNSEL

By   
RYAN THOMPSON  
ASSISTANT COUNTY COUNSEL



## Santa Cruz County Mobile and Manufactured Home Commission

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

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DAY: Third (3<sup>rd</sup>) 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 17<sup>th</sup> 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 DATES		
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### Notice of Public Meeting and Agenda

DATE: Thursday, November 21, 2019

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**.*\*\***

1. Call to Order/Roll Call/Agenda Review
2. Approve *September 19, 2019 Meeting Minutes*
3. Public Comment  
*Any person may address the Commission for a period not to exceed three minutes on matters within the jurisdiction of the Commission. The Commission will not take action but may choose to follow-up at a subsequent meeting.*
4. *CRLAF - Bay Federal Mobile Home Park Closure Study* - William Constantine, Esq.
5. New Business/Action Items
  - 5.1. Proposed Mobile Home Park Closure Ordinance Review
6. County Supervisor Report
7. Commissioner Reports
8. Central Coast Resident-Owned Parks Report
9. Legislative Report
10. County Counsel Report
11. Staff Report
12. Correspondence
13. Adjournment

**Next Meeting Scheduled for: 9:30 to 11:00 AM on Thursday, January 16, 2020 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 call (831) 454-2772 or TTY/TDD:711 at least 72 hours in advance to make arrangements.*



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### MOBILE AND MANUFACTURED HOME COMMISSION MEETING MINUTES

DATE: September 19, 2019  
LOCATION: Simpkins Family Swim Center, 979 17<sup>th</sup> Avenue, Santa Cruz, CA 95062  
PRESENT: Jean Brocklebank (*Vice Chair - 1<sup>st</sup> District*), Henry Cleveland (*Chair - 2<sup>nd</sup> District*), David Allenbaugh (*3<sup>rd</sup> District*), Rick Halterman (*5<sup>th</sup> District*), Carol Lerno (*GSMOL*)  
EXCUSED: Charlene Garza (*WMA*)  
STAFF: Angela Chesnut (*Board Analyst*), Ryan Thompson (*County Counsel*), Kaite McGrew (*Commissions Coordinator*)  
GUESTS: Mark Failor (*Housing Authority Deputy Director*) and 3 community members.

1. Call to Order/Roll Call/Agenda Review  
Meeting was convened at 9:30 AM. *Central Coast Resident Owned Parks Report* was moved to follow *New Business/Action Items*.
2. **Approve July 18, 2019 Meeting Minutes**  
Motion/Second: Brocklebank/Lerno  
**Motion passed unanimously.**
3. Public Comment: Commission heard public comment.
4. New Business/Action Items:
  - 4.1. Santa Cruz County Housing Authority Update  
Mark Failor, *Santa Cruz County Housing Authority Deputy Director*, gave an overview of the voucher program and clarified their process to ensure that subsidized mobile home rents align with State and County rent stabilization requirements.
  - 4.2. Space Fee Fund Management  
Commissioners reviewed high-level summaries of space fee fund expenses and income for the previous seven years. Staff will follow-up with additional detail.
  - 4.3. Honoring Significant Contributors to the Mobile and Manufactured Home Community  
Cleveland proposed presenting an award to individuals and organizations that have made significant contributions to the mobile and manufactured home community. Chesnut will work with Commission to draft award language for the first recipient, former Commissioner Mardi Brick.  
**Approve Mardi Brick as the 2019 MMHC award recipient.**  
Motion/Second: Cleveland/Lerno  
**Motion passed unanimously.**
5. Central Coast Resident-Owned Parks Report  
Cleveland reported that two parks will be replacing their park-wide water and sewer systems at costs estimated to be up to \$1.5 million. County Counsel will clarify SCCC 13.32 capital improvement pass-through limits at the November meeting.

6. Commissioner Reports

6.1. 5<sup>th</sup> District Report

Halterman reported that GSMOL Lobbyist Esperanza Ross may be available to speak at a future meeting. Commission will discuss at the November meeting.

6.2. 3<sup>rd</sup> District Report:

Allenbaugh reported that the De Anza HOA is addressing an issue on timeliness of repairs to a retaining wall. Oceanview Park residents continue to protest the proposed retail complex.

6.3. Golden State Manufactured Homeowner's League (GSMOL) Report:

Lerno reported that GSMOL membership has not increased as much as hoped for and encouraged mobile home park residents to get involved to ensure that mobile home parks retain their legal protections.

6.4. 1<sup>st</sup> District Report

6.4.1. Brocklebank reported on the Soquel Gardens MHP management's ongoing search for a utility meter reader.

6.4.2. Pleasure Point MHP Hearing was decided in favor of the park residents.

6.4.3. Commission discussed questions regarding SCCC 13.32's fair rate of return language; specifically, whether management can charge 12% the first year, or 12% per year for ten years. County Counsel will return with additional information.

6.5. Western Manufactured Housing Communities Association (WMA) Report: No Report

6.6. 2<sup>nd</sup> District Report: No Report

7. Legislative Report

Halterman reported that the AB-3066 committee has published proposed implementation policies on the HCD website for public comment.

8. County Counsel Report:

Thompson reported that no appeal hearing date has been set in the Pinto Lakes matter, but he will inform the Commission when more information becomes available.

9. County Supervisor Report:

9.1. Chesnut invited the Commission and community members to Live Oak Elementary School on September 28<sup>th</sup> for a Live Oak community celebration.

9.2. Chesnut announced vacancies on the Elderly and Disabled Transportation Advisory Commission (E&D TAC).

10. Staff Report

10.1. The fair rate of return recommendation was approved and adopted.

10.2. The space fee recommendation will be reviewed at the September 24 Board of Supervisors meeting.

10.3. *California Rural Legal Assistance (CRLA)* and *Senior Citizens Legal Services* contracts were both renewed for an additional year.

10.4. Staff reported that the Country Villa MHP issue did not result in a referral.

10.5. County *EEO Officer* Britt Harmsen has left the County to pursue other opportunities.

11. Correspondence

12. Adjournment

Meeting was adjourned at 10:57 AM.

Submitted by: Kaite McGrew, *Commissions Coordinator*

# **FACT SHEET ON SANTA CRUZ COUNTY'S PROPOSED MOBILE HOME PARK CLOSURE ORDINANCE AND HOW IT WILL PROTECT YOU AGAINST UNLAWFUL EARLY PARK CLOSURES**

## **1. Why A Mobile Home Park Closure Ordinance Is Needed.**

Santa Cruz County's current mobile home park conversion ordinance, Chapter 13.30 of the County Code (the Conversion Ordinance), regulates the conversion of mobile parks to other uses. It provides the County's local implementing regulations for the enforcement of California's state statutes that regulate the conversion of mobile home parks, Government Code Sections 65863.7 and 66427.4 and Civil Code Section 798.56(g). In order to comply with these statutes, the Conversion Ordinance was enacted in 1980, soon after the statutes were amended to give local communities more power to regulate the conversion of mobile home parks to other uses. However, in 1985, the State Legislature noticed that park owners were using a loophole in Government Code Section 65863.7, (*i.e., that it did not cover park closures*) to circumvent its provisions, so they amended it to cover park closures.<sup>1</sup> The proposed closure ordinance (the Closure Ordinance) will now close the similar loophole in the County's Conversion Ordinance in order to prevent park owners from also circumventing its requirements by using its loophole.

## **2. How Park Owners Are Still Using Unlawful Early Park Closures to Avoid Having to Comply with the Controlling State Statutes and Local Protections.**

California's Housing Elements Law also applies to all mobile home park conversions to other uses and it requires a finding for approval that a proposed conversion is consistent a local jurisdiction's required housing element policy of preserving the current low-income affordable housing stock that is located in mobile home parks. To comply with this low-income housing preservation requirement, Santa Cruz County must be able to compare the low-income affordability of the mobile homes that will be lost in the conversion of a mobile home park with the low-income affordability of the housing, if any, in the development that will be replacing the park. The County cannot do this if a park is closed before its owner submits its application for the development that

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<sup>1</sup> In 1985, the State of California enacted SB 316 into law, which amended Government Code Section 65863.7 to plug the closure loophole by expanding it to cover park closures. Senator Craven stated that the closure loophole had allowed park owners to simply walk around the existing conversion law with immunity:"

"The bill, said Craven, "plugs the loophole in present law which already required park owners to provide an impact report to local government on the displacement of residents when the park is converted to another land use."

"But," according to Craven, "some park owners have gone around the law by simply closing the park, forcing long-term residents to move out, and letting the land sit idle until it can be developed into another commercial or lucrative venture."

"This potential allowed park owners to simply walk around the existing conversion law with immunity," Craven said." [See Press Release dated October 2, 1985: Office of Senator Bill Craven, announcing the signing of SB 316 by the Governor of California.]

will be replacing the park. Some park owners in California have still been circumventing this, and other mobile home park conversion requirements, by continuing to close their parks early and then, after all of their homeowners are evicted, filing their application for approval of the development intended to replace their park. For example, an October 15, 2019 - Preliminary Report, of a California Rural Legal Assistance Foundation and Bay Federal Credit Union jointly sponsored study of park closures (the CRLAF – BF Study), found that none of the park closures, which it evaluated, complied with the Housing Elements Law's above low-income housing preservation requirement. The CRLAF – BF Study also documented that several of the park owners admitted that they were intentionally closing their parks early because they did not want their development applications to have to be burdened with having to comply with the State's above mobile home park closure requirements.

### **3. How the Closure Ordinance Protects You Against these Unlawful Early Park Closures.**

The proposed Closure Ordinance will protect you against these unlawful early park closures by requiring park owners to demonstrate that there is a legitimate reason that they must close their park early before they are also ready to file an application for the development that they will be replacing it with:

(C) A park closure certificate shall be submitted with the application that demonstrates that the park must be closed early because the owner is unable to make a reasonable return on the owner's investment in the park by continuing its operation as a rental park during the time period that the owner needs to determine a new use for the park and apply for its necessary local permits. To meet this burden, the certificate shall be signed by the owner, under penalty of perjury, and it shall state specifically articulable facts that it supports with appropriate documentary or other evidence. (See Section 13.31.030 (C) of Proposed Mobile Home Park Closure Ordinance for Santa Cruz County)

Additionally, Government Code Section 65863.7(e) requires a park owner who is closing their park to provide the displaced homeowners with compensation that will enable them to obtain adequate housing in other mobile parks. The CRLAF – BF Study found that park owners routinely avoided this requirement by making their park's displaced homeowners either move their mobile home into, or purchase replacement mobile homes in, other mobile home parks that were unreasonably distant from the cities or counties in which the parks being closed were located. The proposed Closure Ordinance will protect you against this occurring by requiring a finding of approval that the mitigation benefits will be high enough to allow you to obtain adequate housing in other mobile home parks within Santa Cruz County:

(B) That the mitigation requirements of Government Code Section 65863.7 have been met and that conditions of approval, under section 13.31.060 of this chapter, have been imposed on the approval of the closure that will enable the tenants displaced by the park closure to obtain adequate housing in other mobile home parks within Santa Cruz County. (See Section 13.31.050 (B) of Proposed Mobile Home Park Closure Ordinance for Santa Cruz County)



## **Memorandum Demonstrating the Need for the Proposed Mobile Home Park Closure Ordinance for Santa Cruz County.**

### **I. Introduction.**

Santa Cruz County's current mobile home park conversion ordinance, Chapter 13.30 of the County Code (the Conversion Ordinance or the Ordinance), regulates the conversion of mobile parks to other uses. It provides the County's local implementing regulations for the enforcement of the state statutes that regulate the conversion of mobile home parks, Government Code §§65863.7 and 66427.4 and Civil Code §798.56(g). The Ordinance was enacted in 1980 soon after those state statutes were amended to give local communities more power to regulate the conversion of mobile home parks to other uses. The discussion below will demonstrate that the County adopted the Conversion Ordinance 1980 based on the 1980 - provisions of Government Code §65863.7 but then never updated it to reflect subsequent changes in that statute. Particularly, in 1985, the State Legislature noticed that park owners were using a loophole in Government Code §65863.7, (*i.e., that it did not cover park closures*) to entirely circumvent its provisions with immunity, so the Legislature amended it to cover park closures. However, the County never incorporated that change into the County's Conversion Ordinance, so its provisions can still be entirely circumvented by a park owner simply closing their park first without also applying for approval of their intended new use of the park. The proposed closure ordinance (Closure Ordinance) has been drafted as a separate ordinance to close this loophole without re-opening the statute of limitations on a facial challenge to the Conversion Ordinance because they are two separate ordinances.

### **II. The Legislative History of Government Code §65863.7 Demonstrates the Need for the County to Adopt the Proposed Mobile Home Park Closure Ordinance.**

Government Code §65863.7 regulates the conversion of mobile home parks by requiring local approval of a conversion, and it does not allow a conversion to be approved unless its provisions are complied with, including the filing and approval of a report analyzing the impact of a conversion upon the residents of a park. In 1981, AB 2234 was introduced, which attempted to amend Government Code §65863.7 to provide stronger protections for the homeowners of mobile home parks who would be displaced by the conversion of a park. It did this by prohibiting the approval of a conversion absent the findings by the local government body that:

“a) there are adequate spaces nearby for displaced park tenants and/or park spaces are replaced; and  
b) that low-income persons will not be unnecessarily displaced, and  
c) that other mobile home parks will accept the displaced mobile homes, and  
d) that displaced mobile home tenants have an opportunity to lease or buy in a new type of residential development.” (See Department of Housing and Community Development, Legislative Analysis AB 2234, Subject: Conversion of Mobile Home Parks, March 12, 1980. p. 1)

Unfortunately, AB 2234 was amended to eliminate those strong protections. Instead, it simply amended the provisions of Government Code §65863.7 to require that its mandatory report on the impact of a conversion on the displaced residents must simply report on the availability of adequate replacement space <sup>(1)</sup> in mobile home parks:

“In determining the impact of the conversion on displaced mobilehome park residents, the report shall address the availability of adequate replacement space in mobilehome parks and relocation costs.” See second sentence of subdivision (a) of 1981 version of Government Code §65863.7

At that time, Government Code §65863.7 also specifically stated that:

“This section establishes a minimum standard for local regulation of conversions of mobilehome parks and shall not prevent a local agency from enacting more stringent measures.”

In 1980, Santa Cruz County adopted Ordinance No. 2844, establishing Chapter 1330 of the Santa Cruz County Code entitled Mobile Home Park Conversions (the Conversion Ordinance). The Conversion Ordinance sought provided local implementing regulations 4 Government Code §65863.7 and Civil Code §798.56(f). It adopted two sections that were consistent with Government Code §65863.7 when the Ordinance was adopted but that now render the Conversion Ordinance unworkable due to subsequent amendments to Government Code §65863.7, which the Conversion Ordinance was never amended to incorporate.

First, as required by Government Code §65863.7, the Ordinance requires the County’s approval for the conversion of any mobile home park in the County:

<sup>1</sup> Subsequently, the term “space” in Government Code §65863.7 was replaced with the term “housing.”

“13.30.030 Applications for mobile home park conversions.

(A) the use of property as a mobile home park shall not be terminated for the purpose of conversion to another land use until application for a mobile home park conversion has been made to the Planning Director and has been received by the Planning Commission or the Board Of Supervisors on appeal.” [See §13.30.030(A) of Chapter 1330 of the Santa Cruz County Code.]

Second, it adopted the strong requirements of AB 2234, which had not been enacted into Government Code §65863.7, as findings that would be required for the approval of a conversion application, as follows:

“13.30.050 Findings.

An application for mobile home park conversion may be approved if the following findings are made:

(A) There exists sufficient mobile home space availability within the County of Santa Cruz to accommodate the mobile homes to be displaced by reason of the conversion.

(B) The conversion will not result in the displacement of low-income individuals or households who cannot afford rents charged in other parks.

(C) That the age, type, and style of mobile homes within the park proposed for conversion can be accepted into other parks within the County of Santa Cruz.

(D) If the conversion is to another residential use, that the tenants of the mobile home park will have first opportunity to occupy the units and the construction schedule will not result in long-term displacements.” See subsections A through D of Section 13.30.050 of Chapter 13.30 of the Santa Cruz County Code.

At that time, since Government Code §65863.7 specifically stated that it was only establishing minimum state standards and did not prevent local agencies from adopting more stringent measures, it was acceptable for the County to adopt these more stringent findings, which had previously been eliminated from AB 2234 before it was enacted into law.

In 1985, the Legislature then noticed that park owners were using a loophole in the Government Code §65863.7 to avoid having to comply with it by simply claiming that they were closing their parks instead of converting them. They would then evict all of their parks’ residents, let the land on which the park had existed stand idle until it could

be developed into another commercial or lucrative venture, and then apply for approval of that new use. According to its author, SB 316 amended Government Code §65863.7 to plug this loophole:

“The bill, said Craven, “plugs the loophole in present law which already required park owners to provide an impact report to local government on the displacement of residents when the park is converted to another land use.”

“But,” according to Craven, “some park owners have gone around the law by simply closing the park, forcing long-term residents to move out, and letting the land sit idle until it can be developed into another commercial or lucrative venture.”

“This potential allowed park owners to simply walk around the existing conversion law with immunity,” Craven said.” [See Press Release dated October 2, 1985: Office of Senator Bill Craven, announcing the signing of SB 316 by the Governor of California.]

SB 316 plugged this loophole by adding the closure of mobile home parks to subdivision (a) of Government Code §65863.7:

“(a) Prior to the conversion of a mobilehome park to another use, except pursuant to the Subdivision Map Act Division 2 (commencing with Section 66410) of Title 7, **or prior to closure of a mobilehome park or cessation of use of the land as a mobilehome park**, the person or entity proposing the change in use shall file a report on the impact of the conversion, **closure, or cessation of use** upon the displaced residents of the mobilehome park to be converted or closed. In determining the impact of the conversion, **closure, or cessation of use** on displaced mobilehome park residents, the report shall address the availability of adequate replacement housing in mobilehome parks and relocation costs. [See subdivision (a) of Government Code §65863.7.]

However, as a political compromise, which was needed to obtain the above extension of Government Code §65863.7 to cover park closures, its previous statement that it was intended to provide minimum state standards and did not prevent local agencies from enacting more stringent measures was eliminated.

There are now two serious problems with the County’s Conversion Ordinance, which the above summary of the legislative histories of Government Code §65863.7 and the Conversion Ordinance illustrate.

First, the Conversion Ordinance was enacted in 1980 to provide implementing regulations for Civil Code §798.56(g) and Government Code §65863.7, and, at that time, it followed them by covering only park conversions but not park closures. However, in 1985, when the Legislature corrected this by extending Government Code §65863.7 to also cover park closures, the County did not also do so, either at that time or subsequently, so the Ordinance currently does not cover park closures.

The provisions of Civil Code §798.56(g) and Government Code §65863.7 will still apply to park closures in Santa Cruz County, but the provisions of the Conversion Ordinance will not apply. This omission will allow all of the park owners in the County to, as explained by Sen. Craven, “simply walk around [it] with immunity.”

Second, Section 13.30.050 of the Ordinance contains the more stringent findings required for conversion approvals (subsections A thru D of Section 13.30.050), which were eliminated from AB 2234 before that legislation amended Government Code §65863.7. Then, in 1985, Government Code §65863.7’s express statement that it provided only minimum state standards and that local agencies could adopt more stringent requirements was eliminated, thereby causing County Code Section 13.30.050’s more stringent provisions to now be preempted by Government Code §65863.7 and unenforceable.

### **III. Previous Efforts to Fix These Problems.**

In 2016, Bay Federal proposed an amended ordinance to the County that, among other provisions, would have corrected the above problems, but the County decided to not consider it because of the possibility that amending the Conversion Ordinance could open up the statute of limitations on a facial challenge to the Ordinance and, thereby, make it more vulnerable.

Accordingly, in January 2019, Bay Federal, along with the California Rural Legal Assistance Foundation (CRLAF) and the Golden State Manufactured Home Owners League (GSMOL), presented draft legislation to Assembly Member Mark Stone intended to correct these problems, which he then introduced and pursued in the Legislature, as AB 705.

AB 705 intended to correct the closure loophole by amending Government Code §65863.7 to not allow a park owner to obtain approval of a closure of a park unless they are able to demonstrate that there is a compelling reason that they had to close the park early, prior to

the time that they were ready and able to file an application for approval of their intended new use of the park:

(g) If the person or entity proposing the change of use proposes to close the mobilehome park, or to cease using the land on which the park is located as a mobilehome park, without concurrently submitting an application for a new use of the park, then the report required by this section shall not be approved unless that person or entity demonstrate that the mobilehome park cannot continue to be operated as a rental mobilehome park, while earning a reasonable return on their investment, until the time that they are able to determine a new use for the mobilehome park and apply for its necessary local permits. To meet this burden, the person or entity proposing the change of use shall file a supporting certificate, under penalty of perjury, that states specifically articulable facts, that are supported by appropriate documentary or other evidence. See AB 705 proposed new subsection (g) to Government Code § 65863.7.

AB 705 was intended to resolve the problem of the strong requirements of subsections A thru D of Section 13.30.050 of the Conversion Ordinance being preempted by subsection (a) of Government Code §65863.7 by amending the equally strong requirements of the California Uniform Relocation Act into the mitigation requirements of Government Code §65863.7 <sup>(2)</sup> and

<sup>2</sup> The following are the changes that A.B. 705 would have amended into Government Code §65863.7 to provide the same level of strong protections that subsections A through D of Section 13.30.050 of the ordinance provided, rather than preempting those protections:

*“(e) (1) The legislative body, or its delegated advisory agency, shall review the report, ~~prior to~~ before any change of use, and ~~may~~ shall require, as a condition of the change, the person or entity to take steps to mitigate any adverse impact of the conversion, closure, or cessation of use on the ability of displaced mobilehome park residents to find obtain and relocate to adequate housing in a mobilehome park. The steps required to be taken to mitigate shall not exceed the reasonable costs of relocation. The legislative body, or its delegated advisory agency, shall not approve or conditionally approve the report unless the replacement and relocation plan demonstrates that, with the mitigation assistance that it provides or that can be imposed as conditions of approval, it will enable each displaced resident to obtain and relocate into adequate housing in a mobilehome park.*

*(2) For purposes of this section, the term “adequate housing in a mobilehome park” means an available mobilehome, or an available mobilehome space if it is determined that the displaced resident’s current mobilehome can be moved into it, that meets all of the following criteria:*

*(A) The mobilehome is decent, safe, and sanitary and located in a mobilehome park that is decent, safe, and sanitary.*

*(B) The mobilehome is adequate in size to accommodate the occupants.*

*(C) The mobilehome is located in a mobilehome park in which the displaced resident has the financial ability to pay the rents and charges of the park. The displaced resident has the financial ability to pay the rents and charges of the park only if their monthly housing costs, including their space rent, estimated average monthly utility costs,*

by amending subsection (g) of Civil Code §798.56(g) to require a finding that the conversion will not result in a shortage of low-income housing opportunities in the impacted community:

(6) A finding has been made by the local government, pursuant to either Section 65863.7 or 66427.4 of the Government Code, that the approval of the closure of the park and of its conversion into its intended new use will not result in or materially contribute to a shortage of housing opportunities and choices within the local jurisdiction for low and moderate income households. See AB 705, proposed new subsection (6) to subsection (g) of Civil Code §798.56.

At that time, Bay Federal and GSMOL informed the County that they had specifically drafted the above provisions of AB 705 in order to ensure that park owners could not circumvent the County's Conversion Ordinance through sham closures and to protect the more stringent provisions of the County's Ordinance and then urged the County to adopt a resolution in support of AB 705, which the County then adopted and communicated its adoption to the State Legislature.

Unfortunately, the same powerful development and real estate interests that had defeated the more stringent protections of AB 2234 again used their political power in the Legislature to defeat AB 705.

*other monthly fees and charges of the park, and their monthly mortgage or purchase loan payment on their mobilehome will not exceed 33 percent of the displaced resident's average monthly income.*

*(D) The mobilehome is comparable to the displaced resident's current or prior mobilehome with respect to the number of rooms, habitable space, and type and quality of construction. A mobile home is comparable under this subparagraph if the principal features of the prior or current mobilehome are present. However, comparability under this subparagraph shall not require strict adherence to a detailed, feature-by-feature comparison, and the mobilehome is not required to possess every feature of the displaced mobilehome.*

*(E) The mobilehome is located in an area not subject to unreasonably adverse environmental conditions.*

*(F) The mobilehome is in a location generally not less desirable than the location of the displaced mobilehome park resident's current mobilehome with respect to public utilities, facilities, services, and the displaced resident's place of employment.*

*(f) If compliance with the requirements of subdivision (e) requires that a displaced resident must be provided with sufficient mitigation assistance to enable them to purchase a mobilehome comparable to the displaced resident's current mobilehome, the amount of that assistance shall be presumed to equal the in-place value of the displaced resident's current mobilehome. However, if the amount of the assistance necessary to enable the displaced mobilehome park resident to obtain that mobilehome exceeds the in-place value of the displaced resident's current mobilehome, the person or entity proposing the change of use shall be required to pay to the displaced resident the actual reasonable costs of obtaining that mobilehome." [See A.B. 705, proposed new subsections (e) and (f) to Government Code §65863.7.]*

That defeat does not mean that we will never be able to get those, or similar protections, enacted by the Legislature, particularly, because we have previously been successful in getting extremely stringent protections against “sham subdivision conversions” enacted after a series of similar legislative defeats. However, it does mean that there is a possibility of not being able to get them enacted or of its taking many more years to do so. For example, the coalition that Bay Federal worked with on the sham subdivision legislation worked for 10 years before it was able to get its originally proposed stringent subdivision protections finally enacted into state law.

#### **IV. Why It Is Critical for the County to Adopt the Proposed Closure Ordinance in Sufficient Time for it to Be Effective on January 1, 2020.**

Prior to the AB705’s defeat (*by it not being permitted a hearing In the Assembly Housing Committee*), some compromises were discussed that involved enacting some additional protections for the displaced homeowners, and others for the preservation of affordable housing, in exchange for some additional limitations on those protections. During those discussions, the possibility was also discussed that jurisdictions who had provisions that would be prohibited by those limitations, would have those provisions grandfathered. In particular, Government Code §65863.7(e) currently allows local jurisdictions to require sufficient mitigation benefits to enable the displaced mobile home owners to obtain adequate housing in other mobile home parks:

(e) The legislative body, or its delegated advisory agency, shall review the report, prior to any change of use, and may require, as a condition of the change, the person or entity to take steps to mitigate any adverse impact of the conversion, closure, or cessation of use on the ability of displaced mobilehome park residents to find adequate housing in a mobilehome park. The steps required to be taken to mitigate shall not exceed the reasonable costs of relocation.

(See subsection (e) of Government Code §65863.7.)

AB 705 attempted to modify that section in order to incorporate the provisions of the California Uniform Relocation Act, which would clarify that “adequate housing” had to be equivalent housing within the local jurisdiction in which the mobile home park proposed to be closed was located. The strong real estate and developer interests who were able to stop AB 705 complained to the Assembly Housing Committee that this would prevent all mobile home park conversions because there would never be sufficient housing available in other mobile home parks located in the communities in which the parks being closed were located. They



also successfully complained that a local jurisdiction should have a right to approve of the closure of the park even if this requirement could not be met. Thus, one compromise which was discussed was to allow the replacement housing to be outside of the local jurisdiction or to be another type of housing but to grandfather in any current ordinances that required that housing to be in other mobile home parks located within the local jurisdiction in which the park proposed to be closed was located.

Accordingly, on behalf of Bay Federal, I have drafted the attached proposed Closure Ordinance, which corrects the above problems in the County's Conversion Ordinance in two important ways. First, it prevents sham closures, which are intended to and would circumvent all of the protections in the Conversion Ordinance, by requiring a park owner, who files an application with the County to close their park rather than to convert it, to demonstrate that there is a circumstance beyond their control that requires them to close their park early, prior to the time that they will be ready and able to file an application for the development that will be replacing the park (*which would then require them to proceed under the County's current conversion ordinance, since it then would be a conversion rather than a closure*):

(C) A certificate shall be submitted with the application that demonstrates that the park cannot continue to be operated as a rental park, while earning a reasonable return on the owner's investment in the park, prior to the time that the owner is able to determine a new use for the park and apply for its necessary local permits. To meet this burden, the certificate shall be signed, under penalty of perjury, by the owner and it shall state specifically articulable facts that it supports with appropriate documentary or other evidence.

Second, rather than containing the four specific findings, which the County's current ordinance incorporated from AB 2234, it contains the requirement of a finding of approval that, as a practical matter, encompasses all of those necessary conditions of approval, and has the effect of requiring mitigation benefits that will enable the displaced homeowners to obtain adequate housing in other mobile home parks within Santa Cruz County:

(2) That the mitigation requirements of Government Code Section 65863.7 will be met, and the conditions of approval imposed under section 13.31.060 of this Chapter will enable the residents displaced by the park closure to obtain adequate housing in other mobile home parks within Santa Cruz County.

This finding, would provide the same protection as do subsections A through D of Section 13.30.050 of the County's conversion ordinance, since, if any or all of those findings could not be met, then that would also, as a practical matter, be grounds for concluding that finding B of

section 13.31.050 of the proposed Closure Ordinance could also not be met, since it would demonstrate that the displaced homeowners would be unable to obtain adequate housing in other mobile home parks within Santa Cruz County. However, unlike subsections A through D of the Current Ordinance, it is not preempted by Government Code §65863.7(a), since it does not directly impose the same requirements that were eliminated from AB 2234 at the time when that legislation amended that subsection.

Moreover, adopting the proposed Closure Ordinance would not reopen the statute of limitations on the County's current Conversion Ordinance, because they are two separate ordinances.

The remaining provisions of the proposed Closure Ordinance are the same as the provisions of the County's current Conversion Ordinance, except for those provisions that would not apply to park closures.

Because there is a possibility that, in order to obtain other important protections, a compromise might be required to be included in anticipated Legislation in 2020 that would prohibit local jurisdictions from requiring the replacement housing to be limited to mobile home parks within their boundaries but that would also grandfather in current ordinances that already contain that requirement, it is important that the attached park Closure Ordinance be enacted early enough to be effective on January 1, 2020.

If you have any questions regarding any part of the above analysis, or wish to see copies of documents that it cites from the legislative history of Government Code § 65863.7, please feel free to contact me as I will be happy to answer your questions and provide you with that documentation.

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# **PROPOSED MOBILE HOME PARK CLOSURE ORDINANCE FOR SANTA CRUZ COUNTY**

## **Chapter 13.31**

### **MOBILE HOME PARK CLOSURES**

#### **13.31.010 Purpose and findings.**

The unrestricted closure of mobile home parks diminishes the supply of low income affordable mobile homes that are available in Santa Cruz County. The protection of this scarce affordable housing stock, and of the owners and potential purchasers of these mobile homes, warrants the implementation of certain regulatory safeguards. The County recognizes the need to ensure that the private sector exercises its responsibilities to provide varied housing choices and opportunities, and that the County participation in this responsibility is necessary.

State statutes control the closure and conversion of mobile home parks and they are augmented by local implementing ordinances. Government Code Section 65863.7 controls the conversion of mobile home parks to other uses, which do not require a tentative map approval for the development intended to replace the park, and the closure of mobile home parks. Government Code Section 66427.4 controls the conversion of mobile home parks that require the approval of a tentative map for the subdivision intended to replace the park. Chapter 13.30 of the County Code provides implementing regulations for these statutes for mobile home park conversions to other uses, but it does not cover park closures.

Government Code Sections 66473.5 and 65302, and related sections of California's Housing Elements Law, also apply to all mobile home park conversions to other uses and they require a finding for approval that a proposed conversion is consistent with Santa Cruz County's Housing Element's policy of preserving the low-income affordable housing stock that is located in mobile home parks. To comply with these low-income housing preservation requirements, the County must be able to compare the low-income affordability of the mobile home stock that will be lost in the conversion of a mobile home park with the housing, if any, in the development that will be replacing the park.

However, some park owners in California have been circumventing these requirements by first closing their parks and then, after their homeowners are evicted, filing their application for approval of the development intended to replace their mobile home park. For example, an April 2019 - Preliminary Report, of a California Rural Legal Assistance Foundation study of park closures, reported that 90% of the mobile home park conversions, in the sample that it was evaluating, failed to comply with these statutory requirements. It further reported that several of the park owners who closed their parks early submitted written statements admitting that they were intentionally closing them

early in order to avoid having to comply with the above statutes, which they stated they did not want their development applications to be burdened with having to comply with.

Since chapter 13.30 of the Santa Cruz Code covers only park conversions but not closures, a park owner can avoid its requirements entirely by following this practice of closing their parks early. If they do so, they would then also make it impossible for the County to make the low income housing preservation findings required by Government Code sections 66473.5 and 65302 because those findings cannot be made unless the low-income affordability of the housing that will be replacing a mobile home park can be compared with the affordability of the mobile homes that will be eliminated.

Accordingly, it is the purpose of this chapter to ensure that chapter 13.30 of the Santa Cruz County Code is not circumvented through the use of early park closures, to ensure that the homeowners who will be displaced by a proposed park closure, as well as the affordable housing stock located in the mobile home parks in the County, are provided with the protections that the above state statutes require and to provide procedures that will allow proposed park closures to be properly evaluated in compliance with the above statutes and with the related provisions of this chapter.

#### **13.31.020 Definitions.**

For purposes of this chapter, the following words are defined as follows:

- (A) "Park means a mobile home park which rents spaces for mobile home dwelling units.
- (B) "Owner" means the owner, lessor, or designated agent of the park.
- (C) "Tenant" means the owners of a mobile home dwelling unit who is renting space from the owner of a park.

#### **13.31.030 Applications for mobile home park closures.**

(A) The use of property as a mobile home park shall not be terminated for the purpose of closing a park, or to cease using the land on which it is located as a park, until application for a mobile home park closure has been made to the Planning Director and approval has been received from the Planning Commission or from the Board of Supervisors on appeal.

(B) Applications for a mobile home park closure shall be made to the Planning Director with the filing fee prescribed by resolution of the Board of Supervisors. The application shall contain the following information:

- (1) The timetable for closure of the park.

(2) The total number of spaces within the park; the number of spaces occupied; the length of time each space has been occupied by the present tenant; and the monthly rent currently charged.

(C) A certificate shall be submitted with the application that demonstrates that the park must be closed early because the owner is unable to make a reasonable return on the owner's investment in the park by continuing its operation as a rental park during the time period that the owner needs to determine a new use for the park and apply for its necessary local permits. To meet this burden, the certificate shall be signed by the owner, under penalty of perjury, and it shall state specifically articulable facts that it supports with appropriate documentary or other evidence.

(D) An application for a mobile home park closure shall be subject to environmental review in accordance with the County's environmental impact review guidelines.

#### **13.31.040 Procedures for Review.**

(A) Within 90 days following the submittal of all required information in connection with an application for a mobile home park closure and completion of the environmental review, the application shall be set for public hearing before the Planning Commission.

(B) The Planning Commission shall, within 30 days after the close of the public hearing, render a decision whether the closure should be approved based upon the findings set forth in Section 13.35.050 of this chapter.

(C) Any applicant, or any other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Planning Commission, may appeal the act or determination to the Board of Supervisors in accordance with SCCC 18.10.300 et seq. For this purpose, the procedure therein set forth is incorporated herein and made a part of this chapter.

#### **13.31.050 Findings.**

An application to close a mobile home park, or to cease using the land on which the park is located as a park, shall not be approved unless the following findings are made:

(1) That a Park Closure Certificate has been filed and reviewed, and a determination has been made by the Planning Commission, or by the Board of Supervisors on appeal, that it meets the requirements of Section 13.35.030 (C) of this chapter and that it demonstrates that the owner cannot make a reasonable return on the owner's investment in the park by continuing its operation as a rental park during the time period that the owner needs to determine a new use for the park and apply for its necessary local permits.

(2) That the mitigation requirements of Government Code Section 65863.7 have been met and that conditions of approval, under section 13.31.060 of this Chapter, have been imposed on the approval of the closure that will enable the tenants displaced by the park closure to obtain adequate housing in other mobile home parks within Santa Cruz County.

### **13.31.060 Conditions.**

In the approval of an application to close a mobile home park, or to cease using the land on which the Park is located as a Park, the County may attach conditions deemed reasonable in order to mitigate the impacts associated with the closure. Such conditions may include, but are not limited to, the following:

- (A) Full or partial payment for relocation of mobile homes to another park.
- (B) If the land occupied by the park is to be sold, the tenants be given the first right of refusal accepting the offer of the seller for the purchase of the park including all improvements.
- (C) The tenants be given the option of a long-term lease of the land and purchase of the improvements.
- (D) An effective date of the approval of the closure of not less than one year so as to provide sufficient time for the relocation of the mobile homes to other parks.
- (E) If the mobile homes cannot be relocated to parks in the area, the applicant may be required to purchase said mobile homes at fair market value, determined by an independent appraiser with mobile home expertise.



## Santa Cruz County Mobile and Manufactured Home Commission

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### Scheduled Meetings

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

DAY: Third (3<sup>rd</sup>) 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 17<sup>th</sup> 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 [www.sccmmhc.org](http://www.sccmmhc.org) as soon as the information becomes available. Agendas will be posted 72 hours in advance of each meeting.

2019 MEETING DATES		
DATE	TIME	LOCATION
January 16, 2020	9:30 – 11:00 AM	Simpkins Swim Center**
March 19, 2020	9:30 – 11:00 AM	Simpkins Swim Center**
May 21, 2020	9:30 – 11:00 AM	Simpkins Swim Center**
July 16, 2020	9:30 – 11:00 AM	Simpkins Swim Center**
September 17, 2020	9:30 – 11:00 AM	Simpkins Swim Center**
November 19, 2020	9:30 – 11:00 AM	To Be Determined