

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

Notice of Public Meeting and Agenda

DATE: Thursday, January 21, 2021 TIME: 9:30 AM to 11:00 AM

IN RESPONSE TO THE COVID-19 PUBLIC HEALTH EMERGENCY AND PURSUANT TO THE PROVISIONS OF THE GOVERNOR'S EXECUTIVE ORDER N-29-20 ISSUED MARCH 17, 2020, THIS WILL BE A REMOTE MEETING WITH NO PHYSICAL LOCATION AVAILABLE, BUT ACCESS AND AN OPPORTUNITY TO COMMENT WILL BE PROVIDED.

VIRTUAL MEETING INFORMATION

TO JOIN BY VIDEO: https://zoom.us/join

OR TO JOIN BY PHONE ONLY: +1 (669) 900-6833 (San Jose)

Meeting ID: 998-8815-2083

Passcode: 1850

- 1. Call to Order/Roll Call/Agenda Review
- 2. Approve November 19, 2020 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. New Business/Action Items
 - 4.1. Remote Meetings
- 5. County Supervisor Report
- 6. Commissioner Reports
 - 6.1. District 1 (*Brocklebank*)
 - 6.2. District 2 (*Cleveland*)
 - 6.3. District 3 (Allenbaugh)
 - 6.4. District 4 (Valdez)
 - 6.5. District 5 (Halterman)
 - 6.6. Golden State Manufactured Homeowners League (Lerno)
 - 6.7. Western Manufactured Housing Communities (Garza)
- 7. Central Coast Resident-Owned Parks Report
- 8. Legislative Report
- 9. County Counsel Report
- 10. Staff Report
- 11. Correspondence
- 12. Adjournment

Next Meeting Scheduled for: 9:30 to 11:00 AM on Thursday, March 18, 2021

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commissions@santacruzcounty.us www.sccmmhc.org

MOBILE AND MANUFACTURED HOME COMMISSION MEETING MINUTES

DATE: November 19, 2020 LOCATION: Meeting held remotely

PRESENT: Jean Brocklebank (*Vice Chair - 1st District*), Henry Cleveland (*Chair - 2nd District*), David

Allenbaugh (3rdDistrict), Richard Valdez (4th District), Rick Halterman (5th District), Carol

Lerno (GSMOL), Charlene Garza (WMA)

EXCUSED: None

STAFF: Justin Graham (Assistant County Counsel), John Leopold (1st District Supervisor), Kaite

McGrew (Commissions Coordinator)

GUESTS: 2 members of the public

1. Call to Order/Roll Call/Agenda Review Meeting was convened at 9:30 AM.

2. Approve September 17, 2020 Meeting Minutes

Commission amended the minutes to clarify language related to the Mobile Home Residency Law Protection Program and the location of an error in code published online.

Motion/Second: Halterman/Garza

Motion to approve as amended passed unanimously.

- 3. New Business/Action Items
 - 3.1. Jan Beautz Award Recipient

Brocklebank read a letter of commendation awarding Jerry Bowles, long-time advocate for resident-owned parks and resource to the mobilehome community, with the second annual Jan Beautz Award. Commissioners and Supervisor Leopold shared additional history related to Mr. Bowles' many contributions to the mobile home community.

4. County Supervisor Report

- 4.1. After six years of persistent effort on the part of Supervisor Leopold, Santa Cruz City has finally agreed to cease charging a 14% surcharge to Live Oak residents for city water. The change will result in savings for many low-income residents in District 1.
- 4.2. Leopold participated an historic vote to merge the Central Fire District with the Aptos/La Selva Fire District. The newly formed "Central Fire District" will serve residents from Live Oak to La Selva, allowing for consolidated administration and more available resources.
- 4.3. The County has established a County Office of Resource Recovery and Resilience to assist community recovery from the recent wildfires, coordinate future emergency response and fortify community resilience for future disasters. The County is expediting permitting for those who lost their homes but anticipate that only about 15% of those impacted will apply to rebuild within the first year.
- 4.4. Supervisor Leopold announced that this will be his last Commission meeting and expressed his appreciation for the opportunity to serve the mobile home community over the last

twelve years. The Commission thanked Supervisor Leopold for his years of service and the tremendous impact that his commitment has had on behalf of mobile home park residents.

5. Commissioner Reports

5.1. <u>1st District Report</u>

Brocklebank reported that she has been in communication with residents at Snug Harbor (regarding the 72-hour notice required for scheduled water shutoffs) and Soquel Gardens (an HCD permit to operate is pending correction of health and safety violations). Leopold is working with the California Rural Housing Association to find non-profit funding for conversion of this park to a different ownership structure.

5.2. 3rd District Report

Allenbaugh reported that HCD has been well in communication regarding 20 violations, outside HOA meeting to address these. Sent plans to build.

5.3. 4th District Report

Valdez reported that residents in Meadows Manor are afraid of retaliation if they report possible violations and afraid to meet to discuss it because of the pandemic.

5.4. 5th District Report

Halterman contacted McPherson's office but has not received any news on parks in District 5. A virtual town hall meeting will be held to discuss on debris flow. Mark Stone was named GSMOL legislator of the year. No outcomes from the Mobilehome Protection Program to report.

5.4.1. Legislative Report

Halterman reported that many bills were suspended because of the COVID-19 pandemic. Efforts are being made to predict and prepare for the renewal of activity in January 2021.

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

Lerno reported that AB-2782 now includes language that prohibits park conversions that would adversely impact the availability of affordable housing and also changes the long-term lease exemption from local rent control ordinances. It will go into effect January 21, 2021.

5.6. Western Manufactured Housing Communities Association (WMA) Report

Garza reported that the WMA awarded \$70K in scholarships to students living in mobile home parks throughout the state. A student resident of the Ocean Breeze Mobile Home Park received a CSUMB scholarship for the third year in a row. Commissioners are encouraged to find out which parks in their districts are WMA-member parks and promote resident participation the program.

5.7. 2nd District Report

Cleveland attended a CPUC hearing on modifications to the master meter conversion program. There was discussion about whether utility improvements can be passed through to park residents. Initial conversions have been successful, and the Commission hopes to convert 50% of eligible parks in California.

6. Central Coast Resident-Owned Parks Report

Cleveland reported that recent meetings have been to discuss funding and managing capital improvements in resident-owned parks. The association's email exchange is moving to Google Groups.

7. County Counsel Report:

- 7.1. Graham reported that Senior Legal Services will renew their contract at the same rate. The CRLA has lapsed and will not be renewed. County Counsel will review the rate structure and publish an RFP for a new legal services provider in 2021.
- 7.2. Graham reported that the Pinto Lakes case was decided in favor of the County on appeal. The appellate judge sustained the trial court's ruling and determined that the residents are necessary parties. The trial court will now determine whether the residents can be joined or whether the case needs to be dismissed.
- 7.3. Graham is working with the Clerk of the Board and the code publishing company to correct a typographical error Brocklebank identified in the rent form provided in 13.32.

8. Staff Report:

Staff reported that there have been two referrals for legal services since the September meeting: A resident from Garden Lane MHP had questions related to capital improvement pass-throughs, utility service pass throughs and property tax calculation and a homeowner from Fall Creek MHP had questions about a space rent increase upon his inheriting the mobilehome.

- 9. Correspondence: None
- 10. Public Comment
- 11. Adjournment

 Meeting was adjourned at 10:57 AM.

Submitted by: Kaite McGrew, Commissions Coordinator



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Scheduled Meetings

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DAY: Third (3rd) Thursday

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

TIME: 9:30 AM – 11:00 AM

LOCATION: Simpkins Family Swim Center (unless meeting is held remotely)**

979 17th Avenue, Santa Cruz, CA 95062

Changes to the schedule, including special meetings, changes of location, or meeting cancellations, **will be listed on the website** at www.sccmmhc.org as soon as the information becomes available. Agendas will be posted 72 hours in advance of each meeting.

2021 MEETING DATES			
DATE	TIME	LOCATION	
January 21, 2021	9:30 – 11:00 AM	Remote	
March 18, 2021	9:30 – 11:00 AM	Remote	
May 20, 2021	9:30 – 11:00 AM	To Be Determined	
July 15, 2021	9:30 – 11:00 AM	To Be Determined	
September 16, 2021	9:30 – 11:00 AM	To Be Determined	
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- 4. New Business/Action Items: None
- 5. County Supervisor Report
- 6. Commissioner Reports
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Next Meeting Scheduled for: 9:30 to 11:00 AM on Thursday, May 20, 2021

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MOBILE AND MANUFACTURED HOME COMMISSION MEETING MINUTES

DATE: January 21, 2021

LOCATION: Meeting held remotely

PRESENT: Jean Brocklebank (*Vice Chair - 1st District*), Henry Cleveland (*Chair - 2nd District*), David

Allenbaugh (3rdDistrict), Richard Valdez (4th District), Rick Halterman (5th District), Carol

Lerno (GSMOL), Charlene Garza (WMA)

EXCUSED: None

STAFF: Justin Graham (Assistant County Counsel), Manu Koenig (1st District Supervisor), Kaite

McGrew (Commissions Coordinator)

GUESTS: 1 member of the public

1. Call to Order/Roll Call/Agenda Review

Meeting was convened at 9:30 AM.

Brocklebank introduced Supervisor Koenig

2. Approve November 19, 2020 Meeting Minutes

Motion/Second: Brocklebank/Garza

Motion passed unanimously.

3. Public Comment:

No public comment. Commission discussed Proposition 13 and its possible relevance to mobile home park residents.

- 4. New Business/Action Items
 - 4.1. Remote Meetings

Commission discussed options to enhance the accessibility of future remote meetings. Remote meetings can be more accessible for people with disabilities than in-person meetings. Commission will continue to use Zoom platform until further notice.

5. County Supervisor Report

Supervisor Koenig expressed his support for the Commission's work and the mobile home community. His office is also introducing legislation related to tiny homes. The use of herbicides in the corridor and its impact on adjacent residential properties will be discussed at the February RTC meeting. Expansion of broadband into mobile home parks stalled pending park owner approval. Creative ownership structures are being considered for Soquel Gardens MHP. Supervisor Koenig is working with Supervisor Coonerty to identify County properties suitable for creating safe spaces to house residents experiencing homelessness. Commission discussed coordination of COVID-19 vaccinations in senior parks. Garza recommended park owners confer with their insurance carriers to determine whether provision of medical services is allowed on site under their current policies before proceeding.

- 6. Commissioner Reports
 - 6.1. 1st District Report

Brocklebank has been in communication with residents from Antonelli MHP and Soquel Gardens

MHP. Soquel Gardens has not yet addressed issues that would preclude restoration of their HCD license to operate.

6.2. 2nd District Report

Cleveland reported on a mobile home fire in December at the Aptos Pines MHP. Commissioners are encouraged to check their smoke alarms.

6.3. 3rd District Report

Allenbaugh reported that the Santa Cruz City is working on a process to notify Westside residents in advance of any upcoming events requiring street closures and impacting residents. De Anza MHP completed the Arroyo project providing wheelchair accessible pathways to the ocean.

6.4. 4th District Report

Valdez reported that he is monitoring changes to Meadows Manor ownership.

6.5. 5th District Report

Halterman reiterated his request that residents report on their experiences with the *Mobilehome Residency Law Protection Program* in order to inform revisions when the program is reevaluated. Revisions to the legislation are ongoing and may impact the final sunset date for this program. Deadline to submit feedback is February 19, 2021.

- 6.6. Golden State Manufactured Homeowner's League (GSMOL) Report: No Report
- 6.7. <u>Western Manufactured Housing Communities Association (WMA) Report</u>
 Garza will forward the Federal Emergency Rental Assistance program FAQ.
- 7. Central Coast Resident-Owned Parks Report

Cleveland reported that Brookvale Terrace will host the next meeting February 6, 2021 on Zoom. Topics include Davis Sterling restrictions on online communications between Board members and sewer maintenance.

8. Legislative Report

Halterman reported bills will have been selected by the March meeting.

- 8.1. **AB-2782 (Mobilehome Park Closure/Change of Use)** went into effect in 2020 without the provision requiring park owners to give a 60-day notice to impacted residents of upcoming hearings related to the change. This provision will be re-introduced as part of a different bill in 2021.
- 8.2. **SB-64 (COVID-19 Emergency Relief)** will preclude park owners from terminating tenancy of residents impacted by the pandemic. Residents will have at least 120 days from termination of the state of emergency before park owners can pursue termination of tenancy and at least a year to pay back-rent. As emergency legislation, it will require a two-thirds vote to pass.
- 9. County Counsel Report:
 - 9.1. Graham is working with Senior Legal Services to obtain a signed contract, although they have agreed to continue providing services in the interim. They are also working on invoices for services provided since July 2019. The CRLA contract will not be renewed.
 - 9.2. Graham reported that AB-992 includes social media communications in the definition of deliberations subject to Brown Act restrictions and cautioned Commissioners not to engage directly in social media communications regarding matters within the subject matter

jurisdiction of the Commission that has been posted or shared by any other member of the Commission in order to remain in compliance.

10. Staff Report:

Staff reported that there have been no new referrals for legal services since the November meeting, although a 2020 referral from Snug Harbor is ongoing. The space fee invoices went out the first week of January.

- 11. Correspondence: None
- 12. Adjournment

Meeting was adjourned at 10:39 AM.

Submitted by: Kaite McGrew, Commissions Coordinator



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Notice of Public Meeting and Agenda

DATE: Thursday, May 20, 2021

TIME: 9:30 AM

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- 4. New Business/Action Items:
 - 4.1. Election of Officers
 - 4.2. Rail Corridor Boundary Survey and its Potential Impact on Mobile Home Park Residents
 - 4.3. FY 2021-23 Operational Plan Development Update Sven Stafford, Administrative Analyst
- 5. County Supervisor Report
- 6. Commissioner Reports
 - 6.1. District 1 (Brocklebank)
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- 8. Legislative Report
- 9. County Counsel Report
- 10. Staff Report
- 11. Correspondence
- 12. Adjournment

Next Meeting Scheduled for: 9:30 to 11:00 AM on Thursday, July 15, 2021

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MOBILE AND MANUFACTURED HOME COMMISSION MEETING MINUTES

DATE: March 18, 2021

LOCATION: Meeting held remotely

PRESENT: Jean Brocklebank (Vice Chair - 1st District), Henry Cleveland (Chair - 2nd District), David

Allenbaugh (3rdDistrict), Rick Halterman (5th District), Carol Lerno (GSMOL),

Charlene Garza (WMA)

EXCUSED: None

ABSENT: Richard Valdez (4th District)

STAFF: Ryan Thompson (Assistant County Counsel), Jamie Sehorn (1st District Analyst), Kaite

McGrew (Commissions Coordinator)

GUESTS: 5 members of the public

1. Call to Order/Roll Call/Agenda Review Meeting was convened at 9:31 AM.

2. Approve January 21, 2021 Meeting Minutes

Motion/Second: Brocklebank/Halterman

Motion passed unanimously.

3. Public Comment: None

4. New Business/Action Items: None

5. Commissioner Reports

5.1. 1st District Report

- 5.1.1. Brocklebank has been in communication with residents from Alimur MHP, Pleasure Point MHP and Osocales Community.
- 5.1.2. Pine Knoll Manor, Snug Harbor, Osocales Community and Monterey Vista are scheduled for an HCD inspection in 2021.
- 5.1.3. Soquel Garden has received several notices from HCD threatening to rescind their permit to operate. To date, residents report that none of the violations have been addressed. If the permit is rescinded, residents may not be required to pay rent until it has been reinstated.

5.2. 3rd District Report

Allenbaugh reported that a list of street closure events will be made available to public for resident planning purposes. Plans for distribution of the list are ongoing. Park amenities are open.

5.3. 4th District Report: No Report

5.4. 5th District Report

5.4.1. Halterman reported that the results of HCD's most recent annual parks inspections can be found on the HCD website (hcd.ca.gov).

5.4.2. The first MRLPP Program report is now available on the HCD website with data related to the number of complaints received, processed and provided with legal representation.

5.5. 2nd District Report

- 5.5.1. Cleveland congratulated Garza and Lerno on their respective reappointment.
- 5.5.2. Updated MHP inspection booklets are available on the HCD website.
- 5.5.3. The Public Utility Commission (PUC) is considering legislation to protect residents in mobile home parks with updated public utilities from subsequent rent increases.
- 5.6. <u>Golden State Manufactured Homeowner's League (GSMOL) Report:</u>
 Lerno reported that the current housing crisis is increasing the popularity of mobile home living, but the market is experiencing a corresponding increase in the cost of mobile and

living, but the market is experiencing a corresponding increase in the cost of mobile and manufactured homes.

- 5.7. Western Manufactured Housing Communities Association (WMA) Report
 Garza reported that the State is accepting applications from landlords for State
 reimbursement of 80% of past due rent if they are willing to forgive the outstanding 20% (as
 provided for by SB-91 extending the COVID-19 Tenant Relief Act until June 30, 2021).
 Landlords can apply for reimbursement without the permission of the tenant.
- Central Coast Resident-Owned Parks Report
 Cleveland reported that a representative from "Mr. Rooter" will be presenting at the next meeting on sewer maintenance.
- 7. Legislative Report

Halterman reported bills will have been selected by the March meeting.

- 7.1. SB-64 (COVID-19 Emergency Relief) passed its first senate committee hearing and will.
- 7.2. **AB-1061 (Restrictions on Water Pass-Through)** restricts landlords from passing through more than the actual water charges by the utility for water. Brocklebank provided valuable background information to support advocacy efforts for sponsorship of this bill.
- 7.3. **AB-861** prevents park owners from restricting the subletting of mobile homes by tenants in the event that the park owner is subletting park-owned mobile homes.
- 7.4. **AB-978** is back for a third year The bill caps mobile home space rents at either 10% or 100% of the CPI plus 5%, whichever is least. If passed, this bill would not supersede existing local rent stabilization ordinances but could discourage other communities from considering local rent control legislation. Further, it could encourage non-rent-control parks to increase their space rents to 100% of the CPI plus 5% and could encourage challenges to our current local ordinance if the State sets a precedent. In light of these concerns, GSMOL opposes this bill.
- 7.5. Three bills are being considered addressing remote access to Brown Act meetings.
- 7.6. Motion to schedule a special meeting on Thursday, March 25 at 9:30 to discuss support for AB-1061 and other pending legislation.

Motion/Second: Brocklebank/Halterman

Ayes: Brocklebank

Nays: Cleveland, Allenbaugh, Halterman, Lerno, Garza

Motion did not pass.

- 8. County Supervisor Report:
 - 8.1. Sehorn reported that Supervisor Koenig is working with Will Constantine and the CEO of Bay Federal to develop a mobile and manufactured home ordinance to protect heirs. Commissioners are encouraged to send suggestions related to mobile and manufactured home inheritance to Supervisor Koenig's office as soon as possible for consideration.
 - 8.2. Two mobile home parks (Blue & Gold MHP and Castle Estates MHP) may be encroaching into the rail corridor and could be impacted by a railway. Topic will be added to the May MMHC agenda and Commissioners are encouraged to submit public comment on the matter at the April 1, 2021 Regional Transportation Commission meeting.
 - 8.3. The Cruzio fiber internet expansion into mobile home parks is ongoing. Parks impacted include Rodeo MH Estates, Soquel Gardens MHP, Opal Cliffs MHP, Shangri-la Estates MHP, Castle Estates MHP, and Blue & Gold Star MHP. Sehorn will report back on whether Alimur is also included. Commissioners are encouraged to share park management contact information with Supervisor Koenig's office, if available.
 - 8.4. Sehorn referred a resident of the Blue & Gold Star MHP to HCD to address an ongoing exterior park lighting issue.
- 9. County Counsel Report: No Report
- 10. Staff Report:

Staff reported that there have been no new referrals for legal services in 2021. 93.3% of space fees have been collected with payments from 8 parks outstanding. Outstanding parks will be given a 30-day grace period as provided for in County Code. Commissioners are encouraged to prepare for MMHC Officer elections during the May meeting.

- 11. Correspondence: None
- 12. Adjournment

Meeting was adjourned at 10:34 AM.

Submitted by: Kaite McGrew, Commissions Coordinator

POLICY

Background

Purpose for Purchase of Branch Line

The Regional Transportation Commission (RTC) purchased the Santa Cruz Branch Rail Line (Branch Line) right-of-way (ROW) to:

- preserve it as a transportation corridor;
- continue existing freight and recreational rail service;
- facilitate increased freight and recreational rail service;
- explore passenger rail service options;
- construct a bicycle and pedestrian trail alongside the track where feasible;
 and
- maximize its use as a transportation corridor.

Funding for Purchase of Branch Line

The purchase of the Branch Line right-of-way was facilitated by funding from Proposition 116 of 1990, which provided Santa Cruz County with \$11 million to use for "rail projects within Santa Cruz County which facilitate recreational, commuter, intercity and intercounty travel." The California Transportation Commission (CTC) developed policies and requirements for projects funded with Proposition 116 funds. The CTC imposed certain conditions on its approval of Proposition 116 funds for purchase of the Branch Line right-of-way. The Proposition 116 funds were provided through a master funding agreement and a program supplement agreement with the State of California and administered by Caltrans.

Rail Service Operations for Branch Line

When the RTC purchased the Branch Line ROW, Union Pacific retained an easement for freight operations. That easement was transferred to the shortline freight and

recreational rail operator selected by the RTC for the Branch Line. Over time, as the RTC selects new or replacement rail operators that easement is expected to be transferred to that operator. The Surface Transportation Board (STB) designates the RTC selected rail operator as the common carrier for freight service on the Branch Line, as long as the operator meets the requirements of the STB. The RTC enters into an administration, coordination and license (AC&L) agreement with the selected rail operator. That agreement outlines the responsibilities of the operator and provides the operator with a license to operate recreational passenger rail service on the Branch Line. There are a number of operating agreements for the rail line including crossing agreements and a trackage rights agreement with Santa Cruz Big Trees and Pacific Railway. Rail operations on the Branch Line are governed and inspected by the Federal Railroad Administration (FRA) and the California Public Utilities Commission (CPUC) to help ensure safety.

RTC Planning Documents Affecting Branch Line

The RTC adopts every 4 or 5 years a regional transportation plan with projects on the Branch Line. The RTC also completed a master plan and environmental document for the Monterey Bay Sanctuary Scenic Trail Network (MBSST), which includes as its spine a trail on the Branch Line right-of-way alongside the operating track, which is referred to as the Coastal Rail Trail. In addition, the RTC has completed a passenger rail service feasibility study for the rail line, a Unified Corridor Investment Study that includes the Branch Line ROW, and is in the process of completing a Transit Corridor Alternatives Analysis for the Branch Line ROW. The RTC may undertake other studies which may affect the Branch Line ROW.

Policies for Leases, Licenses, Encroachments and Rights of Entry on the Rail Line ROW

The RTC currently manages several long-term leases of the Branch Line for various uses including parking, storage, and related uses. A lease analysis completed in 2009 concluded that most of the existing leases that were assumed by the RTC at the time of the purchase are significantly below market rate and in need of an update. The RTC periodically receives requests for updates to existing leases and additional long-term leases on the Branch Line. The Branch Line also includes licenses for pipelines, crossings, etc. In addition, the RTC regularly receives requests for temporary use of the Branch Line, primarily for construction staging, utility crossings, and road construction projects that impact or cross the Branch Line. The RTC manages these requests by granting temporary rights of entry for use of its property consistent with authorization given to the Executive Director by

the RTC Board under these policies. Finally, the RTC is working with entities who are implementing capital projects within the Branch Line property, including the various segments of the MBSST.

The following policies shall apply to all leases, licenses, encroachments and rights of entry managed and/or issued by the RTC:

- 1. Leases, licenses, rights of entry and encroachments on the Santa Cruz Branch Rail Line right-of-way shall be consistent with:
 - a. The RTC's purpose for purchasing the right-of-way;
 - b. Funding requirements of Proposition 116, the California Transportation Commission, and agreements with the State;
 - c. Rail service operations and safety requirements of the STB, the FRA, the CPUC, agreements with the shortline rail operator, licenses and other agreements and arrangements affecting railroad operations;
 - d. Standards of the American Railway Engineering and Maintenance of Way Association (AREMA)
 - e. The RTC's Regional Transportation Plan for Santa Cruz County;
 - f. The RTC master plan for the MBSST;
 - g. Measure D and Measure D policies outlined in the Measure D Strategic Implementation Plan (SIP) for improvements funded by Measure D;
 - h. RTC policies for capital projects implemented by others within the Branch Line right-of-way and any associated agreements for implementation and maintenance of such projects;
 - i. Plans developed by the RTC for high capacity transit service or other uses on the Branch Line; and
 - j. All applicable federal, state and local laws and regulations.
- 2. To ensure that there is no gift of public funds, new and updated leases shall be at market rate defined as:

The most probable rent that a property should bring in a competitive and open market reflecting all conditions and restrictions of the specified lease agreement including term, rental adjustment and revaluation, permitted uses, use restrictions, and expense obligations; the lessee and lessor each acting prudently and knowledgeably, and assuming consummation of a lease contract as of a specified date and the passing of the leasehold from lessor to lessee under conditions whereby:

a. Lessee and lessor are typically motivated;

- Both parties are well informed or well advised, and acting in what they
 consider their best interests, which can be aided by the production of a
 market rental rate survey or formal appraisal utilized during negotiations;
- c. A reasonable time is allowed for exposure in the open market;
- d. The rent payment is made in terms of cash in U.S. dollars, and is expressed as an amount per time period consistent with the payment schedule of the lease contract; and
- e. The rental amount represents the normal consideration for the property leased unaffected by special fees or concessions granted by anyone associated with the transaction.
- 3. The RTC shall use closed sessions consistent with the Brown Act to direct its lease negotiators regarding updated and new leases.
- 4. Leases (new and updated), licenses and rights of entry for a one-time or an annual amount exceeding the Executive Director's procurement authority for a single transaction, as established in the RTC's Administrative and Fiscal policies, shall be presented to the RTC for consideration in public session and the Executive Director is authorized to approve others.
- 5. There shall be a public review period of lease terms and conditions of at least 21 days prior to approval of a lease or lease update to give all responsible persons the opportunity to make credible and responsible offers with better lease terms and conditions to the RTC.
- 6. Leases shall include terms for escalation of rental rates consistent with market conditions.
- 7. Every five years, the RTC shall review existing leases to ensure that the rent is at market rates and for any leases found to be below market rates, the RTC shall work to update them to market rates based on a market rental rate survey, formal appraisal or other appropriate information.
- 8. Leases shall include a termination clause to ensure that leases will not unduly impact the development of transportation projects on the Branch Line right-of-way. Licenses and rights of entry that could potentially impact planned transportation projects on the Branch Line right-of-way due to length of term, purpose, etc. shall also include a termination clause.
- 9. Licenses and rights of entry shall include fees to the RTC and the rail service operator as applicable to reimburse the RTC and rail service operator for their cost to provide such right of entry in addition to a determined or negotiated market rate for the right of use provided by the license or right of entry.

- 10. Any lease, license, or right of entry that also crosses or otherwise impacts the rail service operator's easement or operations shall require review and acknowledgement by the rail operator.
- 11. If the license or right of entry will provide a service to the RTC benefiting its ownership, management, maintenance, improvement or operation of the Branch Line right-of-way, fees may be reduced or waived by the RTC.
- 12. Leases and rights of entry shall include appropriate indemnification to the RTC and the rail service operator as applicable.
- 13. Rights of entry shall include appropriate insurance requirements to protect the interests of the RTC and the rail service operator as applicable.
- 14. Leases, licenses, and rights of entry shall include prohibition against any alteration of RTC property except as approved by the corresponding lease, license, or right of entry.
- 15. Rights of entry and licenses shall include a requirement for notification of the rail service operator prior to entering the property as authorized.
- 16. Revenues from leases, licenses and rights of entry shall be used to cover costs of the RTC to negotiate, produce and implement such leases, licenses and rights of entry and for costs associated with the RTC's responsibility to manage, maintain, operate and improve the Branch Line as established in the funding agreements with the State.
- 17. Any encroachments onto the Branch Line shall be resolved by removal of the encroachment or conversion of the encroachment to a long-term lease, license or right of entry.
- 18. As resources allow and needs arise, the RTC will work to identify and address encroachments on the Branch Line ROW. Encroachments may also be brought to the attention of the RTC or discovered inadvertently.
- 19. Identification and addressing of encroachments shall prioritize encroachments which:
 - a. Impact the uses, operations, inspections and maintenance of the Branch Line ROW;
 - b. Impact the implementation of projects by the RTC or RTC partner agencies on or in the vicinity of the Branch Line ROW; and/or
 - c. Impact liabilities to the RTC.

- 20. Encroachments that are not the subject of an approved lease, license or right of entry in accordance with this Policy are not permitted, and are subject to removal in accordance with applicable law. Depending on the nature of the encroachment, and at the sole discretion of the RTC, options may include:
 - a. Immediate removal;
 - b. Removal within a specified period of time;
 - c. Possible modifications to the encroachment; and/or
 - d. Development of a lease, license, or right of entry at Fair Market Value.
- 21. For areas that should be fenced as determined by RTC:
- a. RTC will gather relevant, available information to confirm the location of the applicable RTC property boundaries.
- b. RTC will notify neighboring property owners in advance of the decision to install fences, barricades, and other barriers in the specified area.
- c. RTC will cause the fences, barricades, and other barriers to be installed in the specific locations at the times specified in the notice to the property owners.

ATTACHMENTS



FY 2021-23 OPERATIONAL PLAN DEVELOPMENT

Operational Plan Data & Equity Team Spring/Summer 2021

AGENDA

- Operational Plan Purpose
- Embedding Equity
- Objective Development
- Commission Feedback and Next Steps



OPERATIONAL PLAN PURPOSE

- 2-year plans to achieve County vision and mission
- Departments create SMART objectives to implement major work products
- Updated biannually at www.sccvision.us

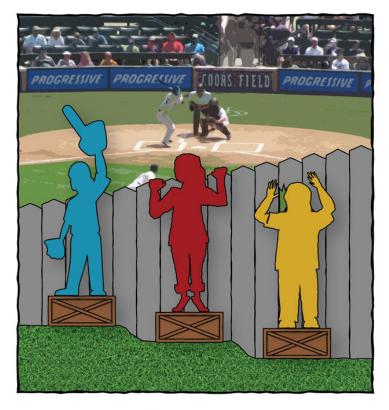


EMBEDDING EQUITY

The County and four cities have all declared racism a public health crisis



EQUITY VS. EQUALITY



EQUALITY



EQUITY

- Equality relates to equal distribution of resources ("sameness")
- Equity relates to proportional equality ("fairness")
- Equality and equity are not often the same because people do not start out with the same resources
- Examples: voting, healthcare, social security, County budget allocations

BIAS, POWER AND PRIVILEGE

Implicit/Unconscious Bias

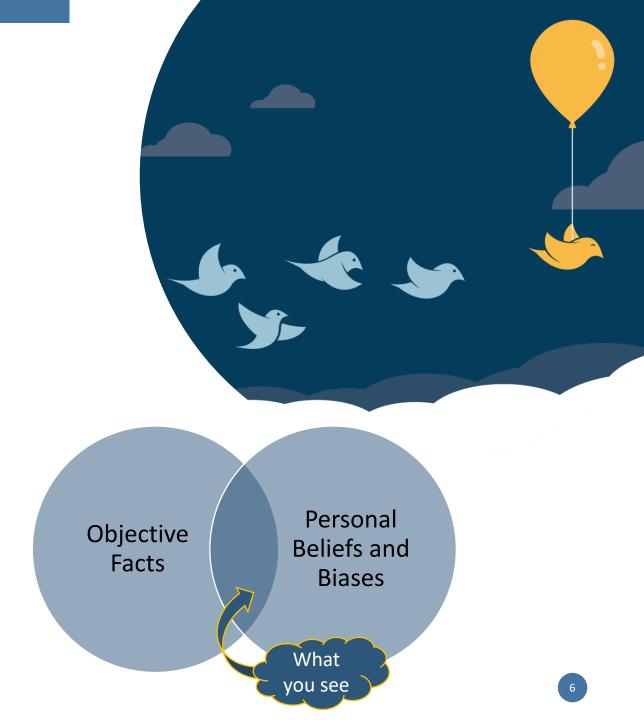
 Example: New hires tend to have similar experience and ethnicity as existing staff

Explicit Bias and Discrimination

• Example: Lower wage paid to female worker performing the same job as a male co-worker

Power and Privilege

Example: White American citizens are in a position of power and have the privilege of better access to quality education, decent jobs, home ownership, retirement, and wealth



EQUITY LENS:RACE AND RACISM

- Race is a way of categorizing people by skin color and other features
- Racism is believing some races are inferior or unworthy
 - Leads to Discrimination, Rejection, Harassment, Intimidation, etc.
- Example: A real estate agent showing properties in an affluent North County neighborhood suggests to a Latinx buyer that they might be more comfortable looking for a home in Watsonville



RACISM AND RACIAL JUSTICE

INSTITUTIONAL RACISM



The Legal and Prison Systems

Financial Institutions

Racial Justice:

Dismantling the system of deeply embedded institutional racism through legislation, affirmative action programs, and policy changes

Deficient Access to Healthcare

Housing and Wealth Disparities

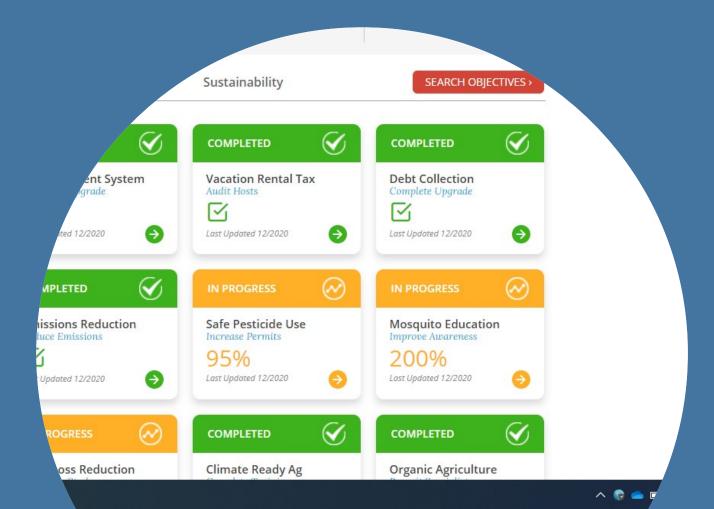
Racial Justice:

Taking action to undo the cumulative effect of centuries of racism against people of color in the education, housing, healthcare, nutrition, employment, mental health, etc.

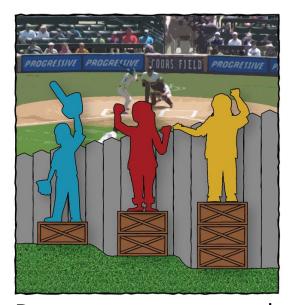


STRUCTURAL RACISM

DEVELOPING OBJECTIVES



PERFORMANCE MEASUREMENT CRITERIA



Do your measures speak to equitable results?



Do they pass the public square test?

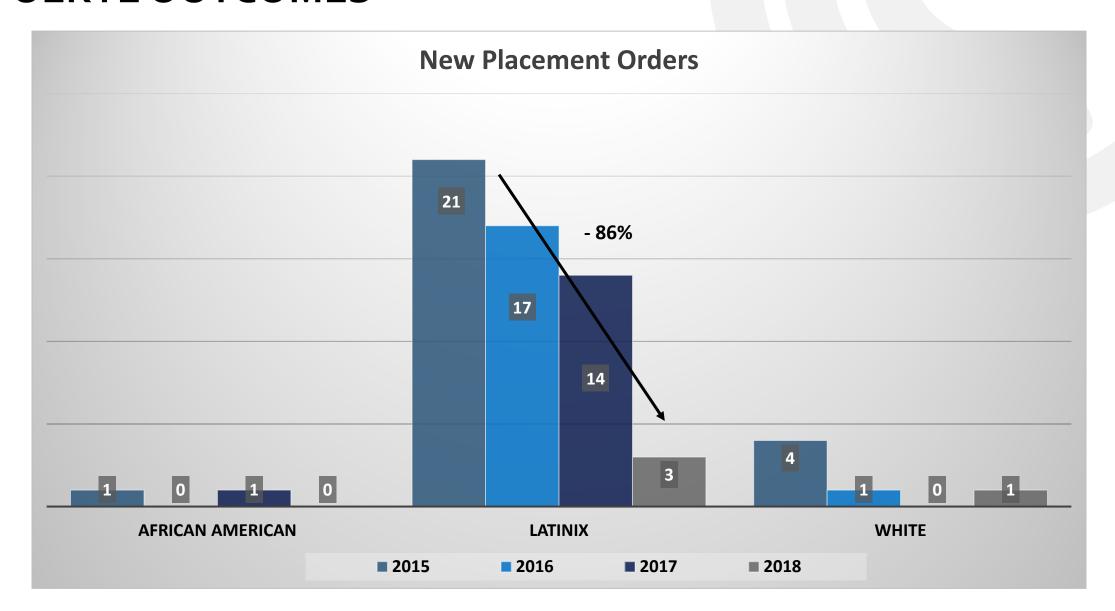


Are they measurable, and the data available and accessible?

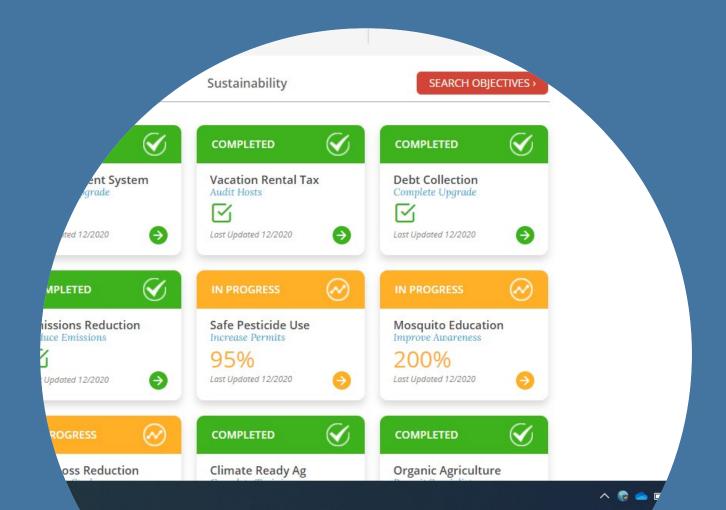


Do they have proxy power?

FUERTE OUTCOMES



OBJECTIVE TASKS & TIMELINE



OPS PLANTIMELINE

- February April
 - Operational Plan Instructions
 - Objective Development Workshops
 - Commission Feedback
- May
 - Objective Drafts Due to CAO Analysts May 7
- May July
 - · Objective alignment and vetting
- August
 - Draft Operational Plan to Board
- September
 - · Operational Plan adopted by Board





THANKYOU!



GENERAL EMAIL INFO



<u>SURVEY</u>



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

Scheduled Meetings

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

DAY: Third (3rd) Thursday

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

TIME: 9:30 AM – 11:00 AM

LOCATION: Simpkins Family Swim Center (unless meeting is held remotely)**

979 17th Avenue, Santa Cruz, CA 95062

Changes to the schedule, including special meetings, changes of location, or meeting cancellations, **will be listed on the website** at www.sccmmhc.org as soon as the information becomes available. Agendas will be posted 72 hours in advance of each meeting.

2021 MEETING DATES			
DATE	TIME	LOCATION	
January 21, 2021	9:30 – 11:00 AM	Remote	
March 18, 2021	9:30 – 11:00 AM	Remote	
May 20, 2021	9:30 – 11:00 AM	Remote	
July 15, 2021	9:30 – 11:00 AM	To Be Determined	
September 16, 2021	9:30 – 11:00 AM	To Be Determined	
November 18, 2021	9:30 – 11:00 AM	To Be Determined	



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Notice of Public Meeting and Agenda

DATE: Thursday, July 15, 2021 TIME: 9:30 AM

IN RESPONSE TO THE COVID-19 PUBLIC HEALTH EMERGENCY AND PURSUANT TO THE PROVISIONS OF THE GOVERNOR'S EXECUTIVE ORDER N-29-20 ISSUED MARCH 17, 2020, THIS WILL BE A REMOTE MEETING WITH NO PHYSICAL LOCATION AVAILABLE, BUT ACCESS AND AN OPPORTUNITY TO COMMENT WILL BE PROVIDED.

VIRTUAL MEETING INFORMATION

TO JOIN BY VIDEO: https://zoom.us/join

OR TO JOIN BY PHONE ONLY: +1 (669) 900-6833 (San Jose)

Meeting ID: 998-8815-2083

Passcode: 1850

- 1. Call to Order/Roll Call/Agenda Review
- 2. Approve May 20, 2021 Meeting Minutes
- 3. Public Comment: Any person may address the Commission for a period not to exceed 3 minutes on matters within the Commission's jurisdiction. The Commission will not take action but may choose to follow up at a subsequent meeting.
- 4. New Business/Action Items:
 - 4.1. Reasonable Rate of Return on Capital Improvements Recommendation
 - 4.2. Space Fee Recommendation
 - 4.3. CPI Adjustment Letters
 - 4.4. Proposed Amendments to Sections 13.32.070 and 13.32.080 of Chapter 13.32 of the County Code Jamie Sehorn (*County Supervisor's Analyst, District 1*)
- 5. County Supervisor Report
- 6. Commissioner Reports
 - 6.1. District 1 (Brocklebank)
 - 6.2. District 2 (Cleveland)
 - 6.3. District 3 (Allenbaugh)
 - 6.4. District 4 (Valdez)
 - 6.5. District 5 (Halterman)
 - 6.6. Golden State Manufactured Homeowners League (Lerno)
 - 6.7. Western Manufactured Housing Communities (Garza)
- 7. Central Coast Resident-Owned Parks Report
- 8. Legislative Report
- 9. County Counsel Report
- 10. Staff Report
- 11. Correspondence
- 12. Adjournment

Next Meeting Scheduled for: 9:30 to 11:00 AM on Thursday, September 16, 2021

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. If you are a person with a disability and require assistance to participate in the virtual meeting please call (831) 454-2772 or TTY/TDD:711 at least 72 hours in advance to make arrangements.



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 www.sccmmhc.org

MOBILE AND MANUFACTURED HOME COMMISSION MEETING MINUTES

DATE: May 20, 2021

LOCATION: Meeting held remotely

PRESENT: Jean Brocklebank (Vice Chair - 1st District), Henry Cleveland (Chair - 2nd District),

David Allenbaugh (3rdDistrict), Richard Valdez (4th District), Rick Halterman (5th

District), Carol Lerno (GSMOL),

EXCUSED: Charlene Garza (WMA)

ABSENT: None

STAFF: Daniel Zazueta, Esq. (Assistant County Counsel), Jamie Sehorn (1st District Analyst),

Kaite McGrew (Commissions Coordinator)

GUESTS: Sven Stafford (*Principle Administrative Analyst*), Grace Blakesly and 6 members of

the public.

1. Call to Order/Roll Call/Agenda Review Meeting was convened at 9:30 AM.

2. Approve March 18, 2021 Meeting Minutes

Minutes were amended to correct a typographical error.

Motion to approve the March 18, 2021 minutes as amended.

Motion/Second: Brocklebank/Halterman

Motion passed unanimously.

3. Public Comment: None

4. New Business/Action Items:

4.1. Election of Officers

Motion to re-elect Cleveland as Commission Chair

Motion/Second: Halterman/Lerno Ayes: Cleveland, Halterman, Lerno Nays: Brocklebank, Allenbaugh Abstain: Valdez had not yet arrived.

Motion to re-elect Brocklebank as Commission Vice Chair

Motion/Second: Halterman/Allenbaugh

Motion passed unanimously

4.2. Rail Corridor Boundary Survey and its Potential Impact on MHP Residents

The RTC's boundary survey report has not been completed, but results could potentially impact MHP residents because of possible encroachments by either homes or accessory buildings into the corridor. According to the County's GSI map, the parks most likely impacted are the Tradewinds, Blue & Gold Star, and Castle Mobile Estates. Commission will monitor the situation and invite the RTC to present if survey results indicate any impact on mobile home parks.

4.3. FY 2021-23 Operational Plan Development Update

Stafford updated the Commission on the County's FY 2021-2023 Operational Plan development., including embedded equity initiatives. The plan includes initiatives for recovery from the COVID-19 pandemic and recovery from the CZU Lightning Complex wildfires. The County will focus on embedding equity into all new and existing initiatives and working with Personnel to implement staff equity trainings. Brocklebank and Cleveland expressed concerns that none of the County's initiatives specifically address the preservation of mobile/manufactured homes and mobile home parks as affordable housing stock. Stafford confirmed the County's plans to implement hybrid Commission meetings that allow the public to attend remotely.

5. County Supervisor Report:

- 5.1. Sehorn reported that the Board of Supervisors wrote a letter of support for AB-1061.
- 5.2. Supervisor Koenig and staff have been working closely with Brocklebank to support residents of Soquel Gardens since the HCD has revoked the park's permit.
- 5.3. Only \$4M of the \$16M allocated to Santa Cruz County for COVID-19 rental assistance through the Housing is Key program has been applied for. Commissioners are encouraged to share information on the program to their communities.
- 5.4. County has implemented a process to make vaccinations for homebound residents.

6. Commissioner Reports

6.1. 1st District Report

Brocklebank has been in communication with residents from Pine Knoll Manor, Shangri-La Estates, Castle Mobile Estates, Snug Harbor MHP, the Beachcomber and Soquel Gardens. Pine Knoll residents may experience some financial hardship if HCD inspectors identify violations that residents must address. There are concerns about the Beachcomber HOA Board election process which Cleveland is monitoring and the HCD has revoked Soquel Gardens' permit to operate. The District Attorney has been notified and residents are not responsible for space rent until another inspection confirms that issues have been resolved, though they continue to be responsible for utilities.

6.2. 2nd District Report

Cleveland reported that District 2 has been quiet and confirmed that he is considering options for future in-person/remote hybrid meetings as soon as allowable.

6.3. 3rd District Report

Allenbaugh reported that De Anza residents received significantly higher utility bills in March which resulted in additional overage charges. Research revealed that there were no temperature variations to account for increased usage. The park is working with the County to remove hemlock growth from the arroyo.

6.4. 4th District Report:

Meadows Manor Park cleanup notices were distributed but no inspectors arrived. Valdez reported difficulty contacting Carlos Landaverry (*Watsonville City Housing Manager*) regarding the subletting provisions in AB-861.

6.5. 5th District Report

Halterman also consulted during the beachcomber election. He is researching whether the \$5 Billion in state funding to help with residents with back rent and utilities applies to residents of mobile homes.

- 6.6. Golden State Manufactured Homeowner's League (GSMOL) Report:
 Lerno reported that GMSOL membership has been discounted membership. Martha
 Vasquez was appointed Ethnic Consultant and Advisor to the GSMOL Board of Directors to
 expand outreach to Hispanic communities and educate the Board on Hispanic issues.
- 6.7. Western Manufactured Housing Communities Association (WMA) Report: No report
- 7. Central Coast Resident-Owned Parks Report Cleveland reported that Central Coast Resident-Owned Parks meetings will be held remotely for the rest of 2021, possibly resuming in-person meetings by February 2022. They are considering restructuring the meeting format to include socializing. An informative vendor presentation on repairing and maintaining sewer systems was very successful. GSMOL focus is on reopening strategies for mobile and manufactured home parks.
- 8. Legislative Report
 - 8.1. **SB-64 (COVID-19 Emergency Relief)** passed providing repayment terms for back rent.
 - 8.2. AB-861 (preventing park owners from restricting the subletting of mobile homes by tenants in the event that the park owner is subletting park-owned mobile homes) barely passed the Assembly floor and will move on to the Senate Judiciary Committee.
 - 8.3. **AB-1061 (restrictions on water pass-through)** restricts landlords from passing through more than the actual water charges by the utility for water passed on the Assembly floor and will move on to the Senate Judiciary Committee. Brocklebank reports that the bill has been amended to allow a minimal readiness-to-serve charge.
 - 8.4. **AB-978 (capping mobile home space rents at a percentage of CPI)** has been revised to cut the cap from 10% to 5% and is only applicable in situations where two incorporated cities abut and a mobile home park property crosses both cities, thereby severely limiting the number of parks to which this bill applies and will most likely not apply to any Santa Cruz County parks.
 - 8.5. **AB-339** (requiring remote access to the public for all Brown Act meetings). Consideration of health issues for Commissioners that would require them to attend remotely as well has been dropped from the bill.
- 9. County Counsel Report: No Report

10. Staff Report: No Report

11. Correspondence: None

12. Adjournment

Meeting was adjourned at 10:58 AM.

Submitted by: Kaite McGrew, Commissions Coordinator



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

MEMORANDUM

To: Santa Cruz County Board of Supervisors

From: The Mobile and Manufactured Home Commission

Date: July 15, 2021

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%)

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 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 to residents of 50 percent (50%) of the cost of a capital improvement, amortized over a ten-year period, pursuant to Subsection 13.32.030(D)(5)(g).

The park owner is allowed a reasonable rate of return on the other 50 percent (50%) of the cost of a capital improvement at a percentage established annually, pursuant to subsection 13.32.030(D)(4). 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 15, 2021, 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%).

2019-2020 FY Space Fee Fund Report					
Starting Balance	\$	98,779.08			
Deposits					
Space Fees Collected	\$	71,630.00			
Space Fees Still Outstanding	\$	627.00			
Interest	\$	1,967.46			
Total Deposits	\$	73,597.46			
Expenses					
Hearing Officer Fees	\$	3,268.75			
Legal Services Vendor Fees	\$				
County Counsel Fees	\$	16,187.50			
Commissions Coordinator Fees	\$	25,257.00			
Total Expenses	\$	44,713.25			
Closing Balance*	\$	120,633.29			

^{*}Does not include fees that have not yet been submitted for payment, or outstanding space fees not yet collected or collected after 6/30/2020.

2020-2021 FY Space Fee Fund Report					
Starting Balance	\$	120,633.29			
Deposits					
Space Fees Collected	\$	88,621.70			
Space Fees Still Outstanding	\$	-			
Interest	\$	889.58			
Total Deposits	\$	89,511.28			
Expenses					
Hearing Officer Services	\$	-			
County Counsel Services	\$	17,062.50			
Legal Referral Services	\$	-			
Administrative Expenses	\$	27,257.00			
Total Expenses	\$	44,319.50			
Closing Balance*	\$	165,825.07			
*5					

^{*}Does not include fees that have not yet been submitted for payment, or outstanding space fees not yet collected or collected after 6/30/2021.



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MEMORANDUM

To: Santa Cruz County Board of Supervisors

From: The Mobile and Manufactured Home Commission

Date: July 15, 2021

Re: Accept and Adopt the Recommendation of the Mobile and Manufactured Home

Commission that the Mobile Home Space Fee Remain at \$38 Per Space Per Year

Pursuant to Santa Cruz County Ordinance § 13.32.110, the Commission annually reviews and makes a recommendation to the Board of Supervisors regarding the space fee. As you may recall, in 2020 the Commission recommended, and the Board approved, that the space fee remain \$38 per space per year.

On July 1, 2020, the space fee trust fund balance was \$120,633.29. Income from space fees and interest accrued during the 2020-2021 fiscal year amounted to \$89,511.28. After expenses collected to date, the 2020-2021 fiscal year-end balance in the fund on July 1, 2021 was \$165,825.07 to be held in trust for unplanned costs, such as litigation concerning the Rent Adjustment Ordinance. Although your Board temporarily suspended the petition hearing process during the COVID-19 pandemic, trust fund income and expenses for the 2020-2021 fiscal year fell within normal ranges as compared to prior years in all categories except for charges related to hearing officer services and legal referral services. Further, mobile and manufactured home park residents are among those most vulnerable to experiencing financial hardship as the County works to recover from the pandemic.

It is therefore recommended that your Board accept and adopt the recommendation of the Mobile and Manufactured Home Commission that the Mobile Home Space Fee remain at \$38 per space per year.



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July 14, 2021

RE: 2021 Consumer Price Index Rent Adjustment for 2022 Space Rents

Dear Park Owner/Manager:

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

Please refer to the letter entitled "Consumer Price Index Rent Adjustment for 2022 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 2022 RV Space Rents" when calculating space rental rates for RV units.

Sincerely,

Kaite McGrew

Commissions Coordinator

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



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

July 14, 2021

2021 Consumer Price Index Rent Adjustment for 2022 Mobile Home Space Rents

Dear Mobile Home Park Owner/Manager:

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 1st of the year before the rent adjustment will go into effect. A copy of the Consumer Price Index (CPI) for June 2021, as reported by the Bureau of Labor Statistics, can be found on the back of this page. The CPI adjustment for 2022 mobile home space rents is determined to be **123.63%** or less, calculated as follows:

2022 CPI Mobile Home Space Rent Adjustment Calculation

July 1, 2021 (for use in 2022) 951.481 (Adjusted Index)
July 1, 1981 (for use in 1982) 274.000 (Adjusted Index)

677.481

677.481 Total CPI Increase

(677.481 divided by 274.00) x 100 = 247.26 % (Percentage Increase)
Fifty percent of 247.26% = 123.63% (2022 CPI Rent Adjustment)

The CPI adjustment, when multiplied by and then added to the 1982 base rent, becomes part of an allowable 2022 general rent adjustment.

Sincerely,

Kaite McGrew

Commissions Coordinator

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

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)

Harra and Onsura	Indexes			Percent change from-		
Item and Group	Apr. 2021	May 2021	Jun. 2021	Jun. 2020	Apr. 2021	May 2021
Expenditure category						
All items	309.419	-	309.497	3.2	0.0	_
All items (1967=100)	951.239	-	951.481	-	-	_
Food and beverages	308.790	_	313.130	1.9	1.4	_
Food	308.788	-	313.499	2.2	1.5	_
Food at home	272.702	277.710	278.720	0.3	2.2	0.4
Cereals and bakery products	268.268		279.054	-0.6	4.0	_
Meats, poultry, fish, and eggs	300.295	_	318.692	3.2	6.1	_
Dairy and related products	286.643	_	285.038	3.0	-0.6	_
Fruits and vegetables	368.829	_	367.523	0.7	-0.4	_
Nonalcoholic beverages and beverage materials(1)	202.257	-	204.502	-5.3	1.1	-
Other food at home	222.654	-	224.203	-1.2	0.7	_
Food away from home	350.276	_	353.169	4.2	0.8	_
Alcoholic beverages	312.228	_	312.050	-1.4	-0.1	_
Housing	368.394	_	362.249	0.9	-1.7	_
Shelter	416.798	410.584	409.726	0.4	-1.7	-0.2
Rent of primary residence(2)	467.758	467.261	466.651	0.6	-0.2	-0.1
Owners' equiv. rent of residences(2)(3)	438.336	438.262	438.123	0.8	0.0	0.0
Owners' equiv. rent of primary residence(1)(2)	438.336	438.262	438.123	0.8	0.0	0.0
Fuels and utilities	469.885	_	475.260	6.6	1.1	_
Household energy	419.376	418.816	425.411	7.9	1.4	1.6
Energy services(2)	420.836	420.262	426.875	7.8	1.4	1.6
Electricity(2)	454.073	454.073	462.336	8.7	1.8	1.8
Utility (piped) gas service(2)	337.454	335.046	336.791	3.8	-0.2	0.5
Household furnishings and operations	156.336	333.040	150.399	1.4	-3.8	0.5
Apparel	107.007		108.847	10.1	1.7	
Transportation	216.498	_	226.867	15.1	4.8	_
Private transportation	213.824		223.795	17.2	4.7	
New and used motor vehicles(4)	213.024		223.193	- 17.2	7.7	
New vehicles(1)						
Used cars and trucks(1)	301.321		354.500	44.2	17.6	
Motor fuel	289.079	301.702	310.278	40.8	7.3	2.8
Gasoline (all types)	288.146	300.833	309.376	41.0	7.4	2.8
Gasoline (all types)	287.968	300.861	309.465	41.6	7. 4 7.5	2.9
Gasoline, unleaded regular(4) Gasoline, unleaded midgrade(4)(5)	268.466	280.899	288.702	39.6	7.5 7.5	2.8
Gasoline, unleaded midgrade(4)(3)	273.887	284.988	292.877	38.8	6.9	2.8
Motor vehicle insurance(1)	521.662	204.500	526.277	3.3	0.9	2.0
Medical care	555.675	_	551.518	0.4	-0.7	_
Recreation(6)	124.335	_	131.791	12.4	6.0	_
Education and communication(6)	152.099		152.271	1.0	0.0	
Tuition, other school fees, and child care(1)	1,819.305	_	1,833.615	-0.5	0.8	_
Other goods and services	535.942	-	525.283	2.1	-2.0	-
Commodity and service group						
All items	309.419	-	309.497	3.2	0.0	-
Commodities	202.736	-	207.245	6.4	2.2	-
Commodities less food & beverages	146.358	-	150.791	11.1	3.0	-
Nondurables less food & beverages	194.869	-	199.498	14.6	2.4	-
Durables	-	-	103.923	6.8	_	-
Services	398.340	-	395.061	1.9	-0.8	-



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July 14, 2021

2021 Consumer Price Index Rent Adjustment for 2022 RV Space Rents

Dear RV Park Owner/Manager:

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 1st of the year before the rent adjustment will go into effect. A copy of the Consumer Price Index (CPI) for June 2021, as reported by the Bureau of Labor Statistics, can be found on the back of this page. The CPI adjustment for 2022 RV space rents is determined to be 43.50 % or less, calculated as follows:

2022 CPI RV Space Rent Adjustment Calculation

 July 1, 2021 (for use in 2022)
 951.481 (Adjusted Index)

 July 1, 1998 (for use in 1999)
 508.800 (Adjusted Index)

442.681

442.681 Total CPI Increase

(442.681 divided by 508.800) x 100 = 87.00 % (Percentage Increase)

Fifty percent of 87.00 % = 43.50 % (2022 CPI Rent Adjustment)

The CPI adjustment, when multiplied by and then added to the 1999 base rent, becomes part of an allowable 2022 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 2021/2022.

Sincerely,

Kaite McGrew

Commissions Coordinator

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

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)

" 10	Indexes			Percent change from-		
Item and Group	Apr. 2021	May 2021	Jun. 2021	Jun. 2020	Apr. 2021	May 2021
Expenditure category						
All items	309.419	-	309.497	3.2	0.0	-
All items (1967=100)	951.239	-	951.481	-	-	_
Food and beverages	308.790	-	313.130	1.9	1.4	_
Food	308.788	-	313.499	2.2	1.5	-
Food at home	272.702	277.710	278.720	0.3	2.2	0.4
Cereals and bakery products	268.268	-	279.054	-0.6	4.0	-
Meats, poultry, fish, and eggs	300.295	-	318.692	3.2	6.1	-
Dairy and related products	286.643	-	285.038	3.0	-0.6	-
Fruits and vegetables	368.829	-	367.523	0.7	-0.4	-
Nonalcoholic beverages and beverage materials(1)	202.257	-	204.502	-5.3	1.1	-
Other food at home	222.654	-	224.203	-1.2	0.7	-
Food away from home	350.276	-	353.169	4.2	0.8	-
Alcoholic beverages	312.228	-	312.050	-1.4	-0.1	-
Housing	368.394	-	362.249	0.9	-1.7	-
Shelter	416.798	410.584	409.726	0.4	-1.7	-0.2
Rent of primary residence(2)	467.758	467.261	466.651	0.6	-0.2	-0.1
Owners' equiv. rent of residences(2)(3)	438.336	438.262	438.123	0.8	0.0	0.0
Owners' equiv. rent of primary residence(1)(2)	438.336	438.262	438.123	0.8	0.0	0.0
Fuels and utilities	469.885	-	475.260	6.6	1.1	-
Household energy	419.376	418.816	425.411	7.9	1.4	1.6
Energy services(2)	420.836	420.262	426.875	7.8	1.4	1.6
Electricity(2)	454.073	454.073	462.336	8.7	1.8	1.8
Utility (piped) gas service(2)	337.454	335.046	336.791	3.8	-0.2	0.5
Household furnishings and operations	156.336	-	150.399	1.4	-3.8	-
Apparel	107.007	-	108.847	10.1	1.7	-
Transportation	216.498	-	226.867	15.1	4.8	-
Private transportation	213.824	-	223.795	17.2	4.7	-
New and used motor vehicles(4)	-	-	-	-	-	-
New vehicles(1)	-	-		-		-
Used cars and trucks(1)	301.321	-	354.500	44.2	17.6	-
Motor fuel	289.079	301.702	310.278	40.8	7.3	2.8
Gasoline (all types)	288.146	300.833	309.376	41.0	7.4	2.8
Gasoline, unleaded regular(4)	287.968	300.861	309.465	41.6	7.5	2.9
Gasoline, unleaded midgrade(4)(5)	268.466 273.887	280.899	288.702 292.877	39.6 38.8	7.5	2.8
Gasoline, unleaded premium(4)		284.988	526.277		6.9	2.8
Motor vehicle insurance(1) Medical care	521.662 555.675	-	520.277	3.3 0.4	0.9 -0.7	-
Recreation(6)	124.335	_	131.791	12.4	6.0	-
Education and communication(6)	152.099	_	152.271	1.0	0.0	_
Tuition, other school fees, and child care(1)	1,819.305	_	1,833.615	-0.5	0.8	_
Other goods and services	535.942	-	525.283	2.1	-2.0	-
Commodity and service group						
All items	309.419	-	309.497	3.2	0.0	-
Commodities	202.736	-	207.245	6.4	2.2	-
Commodities less food & beverages	146.358	-	150.791	11.1	3.0	-
Nondurables less food & beverages	194.869	-	199.498	14.6	2.4	-
Durables	-	-	103.923	6.8	-	-
Services	398.340	-	395.061	1.9	-0.8	-

- 1. **Title**: Proposed Amendments to Sections 13.32.070 and 13.32.080 of Chapter 13.32 of the County Code
- 2. **Presentation**: 1st District Supervisor's Analyst Jamie Sehorn
- 3. Time: 30 45 minutes (including Q&A).
- 4. **Action to be taken:** Recommend that the Commission receive the proposed amendments to Sections 13.32.070 and 13.32.080 and provide a recommendation to the Board of Supervisors regarding their adoption.
- 5. **Time sensitivity:** Medium please consider promptly
- 6. **Meeting**: July 15, 2021

Summary of Proposed Amendments to Sections 13.32.070 and 13.32.080 of Chapter 13.32 of the County Code in Order to Extend Rent Control to Mobile Homes That Are Inherited and to Provide Mobile Homeowners with the Right to Challenge Unlawful Individual Rent Increases in Court.

The following are two proposed amendments to amend Santa Cruz County's Mobile Home Park Rent Adjustment Ordinance, Chapter 13.32 of the County Code.

The proposed amendment to County Code Section 13.32.070 is designed to resolve an ambiguity in the Code and clarify that the existing vacancy controls in that extend to all non-sale transfers of ownership of mobile homes subject to the County's ordinance, including upon the inheritance of a mobile home or when a financial institution forecloses on a mobile home. The proposed amendment will strengthen protections for heirs of mobile home residents and financial institutions that offer affordable mobile home purchase loans in the unincorporated area of Santa Cruz County.

The proposed amendment to County Code Section 13.32.080 is designed to provide mobile homeowners with an independent cause of action to enforce the provisions of the County's Mobile Home Park Rent Adjustment Ordinance. The proposed amendment would not give an individual mobile home owner the right to individually challenge a park-wide rent increase or reduction in services, which impacts all of the homeowners in their park, because those rent increases can already be collectively challenged by the mobile home owners of a mobile home park under the existing ordinance. The existing process, however, does not apply to potentially unlawful rent increases that are applied to only one space at a time.

The Ordinance as it currently exists only provides an affirmative defense to an eviction action brought to enforce a potentially unlawful increase in rent. Under the current Ordinance, the only remedy that a mobile homeowner has to challenge an unlawful *individual* rent increase is to refuse to pay the disputed amount of their rent and then defend against the eviction action by raising the claim that their rent increase violates the Ordinance. The proposed amendment to Section 13.32.080 would allow a prevailing party homeowner to recover any overcharged rent, a penalty of three times the amount of any improperly overcharged rent, and the homeowner's attorney's fees from a defendant park owner. The proposed amendment, therefore, provides a remedy for individual mobile home residents who cannot take advantage of the existing provisions of the County's Mobile Home Park Rent Adjustment Ordinance.

TEXT OF PROPOSED AMENDMENTS TO SANTA CRUZ COUNTY'S MOBILE HOME PARK RENT ADJUSTMENT ORDINANCE CHAPTER 13.32 OF THE SANTA CRUZ COUNTY CODE] (June 7, 2021)

Proposed New Text for Proposed Amendment No. 1 (New language in red):

"13.32.070 Parties Bound - Sale and other transfers of ownership of mobile homes.

(A) The maximum rent which may be charged pursuant to SCCC 13.32.030, 13.32.040 and 13.32.050 shall not be modified upon sale of the mobile home to a third party. Subsequent rent adjustments shall be governed by the provisions of this chapter without regard for such sale. (Provided, however, where the prior resident had been paying rent based on special concessions not extended to all other residents on the same basis, e.g., inability to pay, personal relationship, etc., the owner may adjust the rent upward so that the new resident is paying rent which is no more than that paid by other residents enjoying the same or similar accommodations and benefits.) [Ord. 4060 § 2, 1990].

(B) In addition to transfers of ownership of a mobile home that occur upon the sale of a mobile home, which are covered by subsection A of this Section, the maximum rent that may be charged pursuant to SCCC 13.32.030, 13.32.040 and 13.32.050 shall also not be modified upon all other lawful transfers of ownership of a mobile home to a third party, including the transfer of the right to sell the mobile home in-place in a mobile home park under the provisions of Civil Code Sections 798.56a, 798.78 or 798.79, or upon the replacement of the mobile home by its owner or by the third party whose mobile home's space rent is protected by this subsection. Subsequent rent adjustments shall be governed by the provisions of this chapter without regard for such transfer of ownership or the replacement of the mobile home."

Proposed New Text for Proposed Amendment No. 2 (New language in red):

"Section 13.32.080 Enforcement

(A) Enforcement by the County. It shall be unlawful for any owner to adjust any rent in a mobile home park in an amount in excess of that allowed under this chapter or by order of a Hearing Officer. Any owner who willfully and knowingly violates any of the provisions of this chapter or the orders of a Hearing Officer shall be subject to applicable criminal sanctions. Further, any owner who willfully and knowingly violates any of the provisions of this chapter or the orders of a Hearing Officer is liable for a civil penalty to the County for a sum not less than \$500.00 nor more than \$5,000 for each day in which such violation occurs. Any civil action filed pursuant to this chapter shall be brought by the County Counsel. In any civil action filed pursuant hereto in which the County prevails, the owner shall also be liable for reasonable expenses, including attorney's fees, as determined by the court, incurred by the County in the investigation and prosecution of the action. The prerequisite of exhaustion of statutory and administrative remedies shall be met before an owner or resident may seek commencement of court action. A Hearing Officer whose decision or order is violated or not complied with by 2 any party may, with the assistance of County Counsel, obtain a court order rendering such violation or noncompliance punishable by contempt. [Ord. 4060 § 2, 1990].

(B) Remedy Available to Mobile Home Park Residents

(1) If any park owner or other person is found to have demanded, accepted, received or retained any payment of rent in excess of the maximum rent allowed by this chapter, such person shall be liable to the resident from whom such payment was demanded, accepted, received, or retained for damages as

determined by a court of competent jurisdiction. For the purposes of this subsection, "resident" includes any person or entity who has been granted the right to sell a mobile home, in-place in the mobile home park in which it is located, under the provisions of Civil Code Sections 798.56a, 798.78 or 798.79 or the equivalent sections in the California Civil Code if they are amended.

- (2) In the event a resident is the prevailing party in a civil action against a park owner or other person found to have demanded, accepted, received or retained any payment of rent described in subsection (B)(1) of this section, such resident, in addition to damages as determined by the court pursuant to subsection (B)(1) of this section, may, in the discretion of the court, be awarded an amount not to exceed Five Hundred and no/100ths (\$500.00) Dollars or three (3) times the damages determined by the court pursuant to subsection (a) of this section, whichever is greater, and that resident shall also be awarded their reasonable attorney's fees and costs. For the purposes of this subsection, a resident shall be deemed to be a prevailing party if the judgment is rendered in such resident's favor or if the litigation is dismissed in such resident's favor prior to final judgment, unless the parties otherwise agree in the settlement or compromise.
- (3) For the purposes of this subsection (B), and to resolve any potential ambiguities in interpretation of this Section, the term "resident" shall include any person or other entity entitled to the protections of Section 13.32.070



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

Scheduled Meetings

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

DAY: Third (3rd) Thursday

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

TIME: 9:30 AM – 11:00 AM

LOCATION: Simpkins Family Swim Center (unless meeting is held remotely)**

979 17th Avenue, Santa Cruz, CA 95062

Changes to the schedule, including special meetings, changes of location, or meeting cancellations, **will be listed on the website** at www.sccmmhc.org as soon as the information becomes available. Agendas will be posted 72 hours in advance of each meeting.

2021 MEETING DATES					
DATE	TIME	LOCATION			
January 21, 2021	9:30 – 11:00 AM	Remote			
March 18, 2021	9:30 – 11:00 AM	Remote			
May 20, 2021	9:30 – 11:00 AM	Remote			
July 15, 2021	9:30 – 11:00 AM	Remote			
September 16, 2021	9:30 – 11:00 AM	To Be Determined			
November 18, 2021	9:30 – 11:00 AM	To Be Determined			



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Notice of Public Meeting and Agenda

DATE: Thursday, September 16, 2021

TIME: 9:30 AM

IN RESPONSE TO THE COVID-19 PUBLIC HEALTH EMERGENCY AND PURSUANT TO THE PROVISIONS OF THE GOVERNOR'S EXECUTIVE ORDER N-29-20 ISSUED MARCH 17, 2020, THIS WILL BE A REMOTE MEETING WITH NO PHYSICAL LOCATION AVAILABLE, BUT ACCESS AND AN OPPORTUNITY TO COMMENT WILL BE PROVIDED.

VIRTUAL MEETING INFORMATION

TO JOIN BY VIDEO: https://zoom.us/join

OR TO JOIN BY PHONE ONLY: +1 (669) 900-6833 (San Jose)

Meeting ID: 998-8815-2083

Passcode: 1850

- 1. Call to Order/Roll Call/Agenda Review
- 2. Approve July 15, 2021 Meeting Minutes
- 3. Public Comment: Any person may address the Commission for a period not to exceed 3 minutes on matters within the Commission's jurisdiction. The Commission will not take action but may choose to follow up at a subsequent meeting.
- 4. New Business/Action Items:
 - 4.1. 2021 Jan Beautz Award Selection
- 5. County Supervisor Report
- 6. Commissioner Reports
 - 6.1. District 1 (*Brocklebank*)
 - 6.2. District 2 (Cleveland)
 - 6.3. District 3 (Allenbaugh)
 - 6.4. District 4 (Valdez)
 - 6.5. District 5 (Halterman)
 - 6.6. Golden State Manufactured Homeowners League (Lerno)
 - 6.7. Western Manufactured Housing Communities (Garza)
- 7. Central Coast Resident-Owned Parks Report
- 8. Legislative Report
- 9. County Counsel Report
- 10. Staff Report
- 11. Correspondence
- 12. Adjournment

Next Meeting Scheduled for: 9:30 AM on Thursday, November 18, 2021

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. If you are a person with a disability and require assistance to participate in the virtual meeting please call (831) 454-2772 or TTY/TDD:711 at least 72 hours in advance to make arrangements.



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commissions@santacruzcounty.us www.sccmmhc.org

MOBILE AND MANUFACTURED HOME COMMISSION MEETING MINUTES

DATE: July 15, 2021

LOCATION: Meeting held remotely

PRESENT: Jean Brocklebank (Vice Chair - 1st District), Henry Cleveland (Chair - 2nd District),

David Allenbaugh (3rdDistrict), Richard Valdez (4th District), Rick Halterman (5th

District), Carol Lerno (GSMOL), Charlene Garza (WMA)

EXCUSED: None

STAFF: Justin Graham, Esq. (Assistant County Counsel), Suzanne Yang, Esq. (Assistant County

Counsel), Jamie Sehorn (1st District Analyst), Kaite McGrew (Commissions

Coordinator)

GUESTS: Will Constantine, Esq., Megan Rhodes (Bay Federal), Carrie Birkhofer (Bay Federal),

Richard Cooper (Santa Cruz Community Credit Union) and 2 members of the public.

1. Call to Order/Roll Call/Agenda Review

Meeting was convened at 9:30 AM.

2. Approve May 20, 2021 Meeting Minutes

Minutes were amended to correct a typographical error and add clarifying language to the District 3 report.

Motion to approve the May 20, 2021 minutes as amended.

Motion/Second: Brocklebank/Allenbaugh

Motion passed unanimously.

3. Public Comment: None

4. New Business/Action Items:

4.1. Reasonable Rate of Return on Capital Improvements Recommendation

Brocklebank expressed concern about ambiguities in the

Motion to recommend that the Board of Supervisor continue the reasonable rate of return on capital improvements at 12%

Motion/Second: Cleveland/Halterman

Ayes: Cleveland, Allenbaugh, Valdez, Halterman, Lerno, Garza

Nays: Brocklebank **Motion passed.**

4.2. Space Fee Recommendation

Commission reviewed income and expenses details for the Space Fee Fund. Outstanding invoices are being considered which may impact the fund balance. Brocklebank expressed concerns about changes in interest accrual and requested a more detailed accounting of County Counsel charges.

Motion to recommend that the Board of Supervisors continue the space fee at \$38 per space per year.

Motion/Second: Brocklebank/Garza

Motion passed unanimously.

4.3. CPI Adjustment Letters

Staff reported that CPI letters setting the allowable space rent increase for mobile home spaces and RV spaces 2022 were sent on July 13, 2021 and posted to the Commission website.

4.4. Proposed Amendments to Sections 13.32.070 and 13.32.080 of SCCC Chapter 13.32 Sehorn presented proposed amendments to Santa Cruz County Code Chapter 13.32. to extend rent control to inherited mobile homes and to provide mobile and manufactured homeowners with the right to challenge unlawful individual rent increases in court.

Motion to recommend that the Board of Supervisors approve and adopt the proposed amendments as written.

Motion/Second: Brocklebank/Valdez

Ayes: Brocklebank, Cleveland, Allenbaugh, Valdez, Halterman, Lerno

Nays: Garza **Motion passed.**

5. County Supervisor Report:

- 5.1. Supervisor Koenig's office continues to monitor the situation at Soquel Gardens MHP whose permit to operate continues to be suspended pending completion of required repairs. Supervisor Koenig's office met with a variety of stakeholders, including Housing Authority representatives and HCD officials who confirmed they are communicating directly with Park owners and their electrical contractor.
- 5.2. A public hearing on a proposed Kaiser 4-story medical office and parking garage will be on the Planning Commission's November meeting agenda.
- 5.3. The Board of Supervisors unanimously approved the 2021-2022 budget which includes funding for the new Office of Response, Recovery and Resilience, broadband service expansion and support for women and minority-owned businesses.

6. Commissioner Reports

6.1. 1st District Report

Brocklebank summarized the impact of the CPI adjustments on space rents, reported that an HCD letter clarified rent requirements for residents of parks without current permits to operate, and expressed appreciation for AB 1061. She has been in communication with residents from Ranchito MHP who had not received a rent adjustment for the last four years but experienced a large adjustment this year to bring them current.

6.2. 2nd District Report: No Report

6.3. 3rd District Report

Allenbaugh reported that De Anza MHP has contracted with a third party meter reader.

6.4. 4th District Report: No Report

6.5. 5th District Report

Halterman requested that Commissioners advise residents in their districts to share information about their Mobilehome Residency Law Protection Program (MRLPP) experiences.

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

 Lerno reported that the GSMOL is gratified by public participation in the MRLPP.
- 6.7. Western Manufactured Housing Communities Association (WMA) Report: No Report

- Central Coast Resident-Owned Parks Report
 Cleveland reported that the next meeting will be held on August 1, 2021 which may include a discussion on reserve studies.
- 8. Legislative Report
 - 8.1. **SB-64 (COVID-19 Emergency Relief)** has been turned into a two-year bill which may affect its impact.
 - 8.2. AB-861 (preventing park owners from restricting the subletting of mobile homes by tenants in the event that the park owner is subletting park-owned mobile homes) is on the Senate floor now, and, once heard, will need to return to the Assembly because it has been amended
 - 8.3. **AB-1061 (restrictions on water pass-through)** is on the Senate floor now, and, once heard, will need to return to the Assembly because it has been amended.
- County Counsel Report:
 Commission welcomed Suzanne Yang, Esq., new County Counsel Liaison to the MMHC.
- 10. Staff Report:

2022 meetings will be held in the Sheriff's Community Room because of the availability of increased technical amenities and the proximity of the District 1 Supervisor's office. Staff will share Grand Jury recommendations related to broadband services. Supervisor Koenig's office is considering working with Staff to draft a resolution rescinding the petition hearing process suspension, in the event that health and safety precautions would allow the hearing process to resume before the state of emergency has been lifted.

- 11. Correspondence: None
- 12. Adjournment

 Meeting was adjourned at 10:50 AM.

Submitted by: Kaite McGrew, Commissions Coordinator



Santa Cruz County CA

Adopted
Aug 24, 2021 9:00 AM

Agenda Item DOC-2021-740

Consider adopting an Ordinance amending Santa Cruz County Code Chapter 13.32 regarding Mobile Home Park Rent Adjustment, as recommended by the Mobile and Manufactured Home Commission, and schedule the Ordinance for second reading and final adoption, as outlined in the memorandum of Supervisor Koenig and Supervisor Friend

Information

Department: Board of Supervisors: **Sponsors:** First District Supervisor

First District

Manu Koenig, Second District Supervisor Zach

Friend

Category: BOS First District - Board Functions: General Government

Letter

Attachments

Board Memo

MMHC_Recommendations Letter re Proposed Amendments to SCCC Chapter 13.32.070 and 13.32.080 Text of Proposed Amendments to Santa Cruz Countys Mobile Home Park Rent Adjustment Ordinance Chapter 13.32 of the Santa Cruz County Code (final strikeout-underline) ORDINANCE AMENDING SECTIONS 13.32.070 AND 13.32.080

Board Letter

Recommended Action(s):

- 1) Consider adopting Ordinance amending Santa Cruz County Code Chapter 13.32 regarding Mobile Home Park Rent Adjustments; and
- 2) Schedule the Ordinance for second reading and final adoption on 9/14/21, as outlined in the memorandum of Supervisor Koenig and Supervisor Friend

Executive Summary

Proposed are two amendments to Santa Cruz County's Mobile Home Park Rent Adjustment Ordinance, Santa Cruz County Code Chapter 13.32. The proposed amendments to sections 13.32.070 and 13.32.080 are designed to clarify and strengthen the existing ordinance. On July 15, 2021, the Mobile and Manufactured Home Commission voted overwhelmingly to support the proposed amendments, which were then slightly further modified by County Counsel for purposes of clarity (minor non-substantive language changes). The draft Ordinance adopting the proposed changes, a red-lined version reflecting the textual changes, and the MMHC Letter of Recommendation are attached.

Background

Mobile homes are a critical component of Santa Cruz County's housing stock and Chapter 13.32 of the SCCC is intended to protect and preserve the affordability of these homes. However, as currently written, Chapter 13.32 does not extend rent control provisions to all non-sale transfers of ownership, such as when a mobile home is transferred through inheritance.

Additionally, Chapter 13.32 only allows for park residents to collectively challenge park-wide space fee increases; there is no provision to allow for an individual park resident to challenge an individual space rent increase in court.

The proposed amendments to SCCC 13.32 will strengthen protections for mobile home owners, tenants, and heirs, as well as the lending institutions which provide financing for affordable mobile home purchase loans in the unincorporated area of Santa Cruz County.

Analysis

The proposed amendment to County Code Section 13.32.070 is designed to extend rent control protections to all non-sale transfers of ownership of mobile homes subject to the County's Ordinance, including upon the inheritance of a mobile home, or when a financial institution forecloses or otherwise takes possession of a mobile home. The proposed amendment will strengthen protections for the heirs of mobile home residents as well as financial institutions that offer affordable mobile home purchase loans in the unincorporated area of Santa Cruz County.

The proposed amendment to County Code Section 13.32.080 is designed to strengthen individual legal protections for mobile home owners by providing mobile home owners with a private cause of action to enforce the provisions of the County's Mobile Home Park Rent Adjustment Ordinance. The Ordinance as it currently exists allows mobile home park residents to collectively challenge general rent increases but does not provide for challenges to individual space rent increases that are believed to be unlawful. Under the current Ordinance, the only remedy that a mobile home owner has to challenge an unlawful individual rent increase is to refuse to pay the disputed amount of their rent, risking a possible unlawful detainer suit and eviction, leading to total loss of their investment in their mobile home.

The proposed amendment would allow a mobile home owner to challenge in court an unlawful increase to their individual space rent, providing a remedy for individual mobile home residents who cannot take advantage of the existing provisions of the County's Mobile Home Park Rent Adjustment Ordinance. The proposed amendment to SCCC 13.32.080 would allow a prevailing party homeowner to recover any overcharged rent, plus a penalty of three times the amount of their damages as determined by the court, as well as their costs and attorney's fees from a defendant park owner.

Body

Strategic Plan Element(s)

2.A.i Affordable Housing

Meeting History

Aug 24, 2021 9:00 AM Video

Board of Supervisors

Regular Meeting

Recommended Action(s):

- 1) Considered and adopted Ordinance amending Santa Cruz County Code Chapter 13.32 regarding Mobile Home Park Rent Adjustments; and
- 2) Scheduled the Ordinance for second reading and final adoption on 9/14/21, as outlined in the memorandum of Supervisor Koenig and Supervisor Friend

No public comment

RESULT: ADOPTED [UNANIMOUS]

MOVER:Manu Koenig, First District SupervisorSECONDER:Zach Friend, Second District Supervisor

AYES: Manu Koenig, Zach Friend, Ryan Coonerty, Greg Caput, Bruce McPherson

Discussion



Powered by **Granicus**

7 of 12

3 of 3 9/14/2021, 4:51 PM

Patel



Santa Cruz County CA



Agenda Item DOC-2021-710

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%)

Information

Department: Personnel: Equal **Sponsors:** Personnel Director Ajita

Employment

Opportunity/Commissions

Category: PERS EEO/C - Board Functions: General Government

Letter

Attachments

Board Memo MMHC_Rate of Return Rec_20210715_FINAL

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 15, 2021, 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

Strategic Plan Element(s)

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

Meeting History

Aug 24, 2021 9:00 AM Video Board of Supervisors Regular Meeting

RESULT: APPROVED AS AMENDED [UNANIMOUS]
MOVER: Manu Koenig, First District Supervisor
SECONDER: Ryan Coonerty, Third District Supervisor

AYES: Manu Koenig, Zach Friend, Ryan Coonerty, Greg Caput, Bruce McPherson

Discussion

Add Comment

Powered by **Granicus**

Patel



Santa Cruz County CA



Agenda Item DOC-2021-711

Accept and adopt recommendation of the Mobile and Manufactured Home Commission that the mobile home space fee remain at \$38 per space per year, as recommended by the Director of Personnel

Information

Department: Personnel: Equal **Sponsors:** Personnel Director Ajita

Employment

Opportunity/Commissions

Category: PERS EEO/C - Board Functions: General Government

Letter

Attachments

Board Memo MMHCSpace Fee Recomensation

Financial Impact

The \$38 per mobile home space fee per year is enough to cover current costs and is recommended to remain the same as 2020.

Board Letter

Recommended Action(s):

Accept and adopt the recommendation of the Mobile and Manufactured Home Commission that the mobile home space fee remain at \$38 per space per year.

Executive Summary

Pursuant to Santa Cruz County Code section 13.32.110, the Mobile and Manufactured Home Commission ("Commission") annually reviews and makes a recommendation to your Board regarding the mobile home space fee.

Background

On July 1, 2020, the space fee trust fund balance was \$120,633.29. Income from space fees and interest accrued during the 2020-2021 fiscal year amounted to \$89,511.28. After expenses collected to date, the 2020-2021 fiscal year-end balance in the fund on July 1, 2021 was \$165,825.07 to be held in trust for unplanned costs such as litigation concerning the Rent Adjustment Ordinance. Although your Board temporarily suspended the petition hearing process during the COVID-19 pandemic, trust fund income and expenses for the 2020-2021 fiscal year fell within normal ranges as compared to prior years in all categories except for charges related to hearing officer services and legal referral services. Further, mobile and manufactured home park residents are among those most vulnerable to experiencing financial hardship as the County works to recover from the pandemic.

Analysis

After a public hearing at its meeting of July 15, 2021, the Mobile and Manufactured Home Commission voted to recommend that the mobile home space fee remain at \$38 per space per year. It is

therefore recommended that your Board accept and adopt the recommendation of the Commission that the Mobile Home Space Fee remain at \$38 per space per year.

Body

Strategic Plan Element(s)

4a - Attainable Housing and 6a - Operational Excellence. Preserves affordable housing options while providing for fund balance to administer applicable services under the Rent Adjustment Ordinance.

Meeting History

Aug 24, 2021 9:00 AM Video Board of Supervisors Regular Meeting

RESULT: APPROVED AS AMENDED [UNANIMOUS]
MOVER: Manu Koenig, First District Supervisor
SECONDER: Ryan Coonerty, Third District Supervisor

AYES: Manu Koenig, Zach Friend, Ryan Coonerty, Greg Caput, Bruce McPherson

Discussion

Add Comment

Powered by **Granicus**



County of Santa Cruz

DEPARTMENT OF PUBLIC WORKS

701 OCEAN STREET, ROOM 410, SANTA CRUZ, CA 95060-4070 (831) 454-2160 FAX (831) 454-2385 TDD (831) 454-2123

MATT MACHADO DEPUTY CAO DIRECTOR OF PUBLIC WORKS

AUGUST 17, 2021

commissions@santacruzcounty.us henry@baymoon.com HENRY CLEVELAND COMMISSIONER AND CHAIRPERSON SANTA CRUZ COUNTY MANUFACTURED AND MOBILE HOME COMMISSION 701 OCEAN STREET, ROOM 510 SANTA CRUZ, CA 95060

SUBJECT: SEWER SERVICE INSPECTION/MAINTENANCE NOTICE TO HOMEOWNER

ASSOCIATIONS (HOA'S) - MAILED SPRING 2021

Dear Mr. Cleveland:

In spring of 2021, Santa Cruz County Public Works (County) mailed notices to homeowner associations (HOA's) located within in the County's various sanitation districts and service areas. These flyers outlined the responsibilities of the HOA's (and property owners within the HOA's) in regard to sanitary sewer maintenance and repair, and documentation required for submittal to the County. The County maintains a list of HOA's, and the flyers were sent to all the entities on this list. It was not intended that this flyer be sent to parks of mobile homes or manufactured homes. Please disregard the flyer for these types of developments. We apologize for any confusion this caused.

If you have any questions, please call Forrest Revere at (831) 454-2160 or email DPW.LateralProgram.santacruzcounty.us.

Yours truly,

MATT MACHADO Director of Public Works, Deputy CAO

By:

Ashleigh Trujillo Sanitation Engineer

DocuSigned by:

AT/tlp:21-098 Attachment: HOA Flyer

Notice to Homeowner Associations

Private Sanitary Sewer Inspection Requirements



701 Ocean Street, Room 410 Santa Cruz, CA 95060

Phone: 831-454-2160 Email: DPW_Sanitation@santacruzcounty.us

MARK YOUR CALENDARS:

January 1, 2023 Submit video inspections and inspection reports to the District through the current cloud-based filesharing platform for the entire private sanitary sewer collection system. Visit our website for more information.

July 1, 2024 Provide a maintenance plan to the District with proposed timeline for the District-required improvements to the private sanitary sewer collection system.

IMPORTANT SEWER INSPECTION AND MAINTENANCE NOTICE

Santa Cruz County Sanitation District (831) 454-2160

www.sccsd.us



Who is the Santa Cruz County Sanitation District? We are a nonprofit public agency of men and women who work on operating, maintaining and improving the vital public sewer infrastructure that ensures that our sewers flow properly. It is the responsibility of the homeowners to maintain their portion of the private sanitary sewer collection system (Per District Code 7.04.325).





Sewer Service Inspection/Maintenance Notice to HOAs

Santa Cruz County Sanitation District

The purpose of this notice is to inform Homeowner Association's (HOA's), and their respective members, of the responsibilities to inspect, maintain, and repair their portion of the sewer collection systems up to their connection to the District's main line. An inspection report is being required for your private sewer system and shall be submitted to the District for evaluation. HOA's shall submit their videos and reports, completed by a licensed plumber, to the District electronically.

Information about responsibilities

- Private sewers and laterals are not maintained by the District, the responsibility to maintain, repair, and operate the private system is overseen by the respective HOA for that development.
- Private sanitary sewer collection systems within HOA developments shall obtain video inspections and inspection reports meeting the District's current requirements for the entire HOA-managed system by January 1, 2023.



- All videos and reports, completed by a licensed plumber, shall be submitted to the District for review and comment electronically through the current cloud-based filesharing platform (Plumbers may contact the District directly for access).
- Private sanitary sewer collection systems that can be shown to have been constructed, inspected, and approved by the District Inspector in the last 20 years can delay video inspecting their entire system until the system has been in place for 20 years.
- Inspection and review by the District of private sanitary sewer collection systems shall be repeated every 20 years (at a minimum).
- The HOA is required to ensure that their private sanitary sewer system is cleaned annually. Private sanitary sewer system inspections should confirm the system is free of defects and in good condition up to (and including) the connection at the District's sewer main.

For detailed requirements and forms, please visit our website at:

www.sccsd.us

DocuSign Envelope ID: AB2890E1-C246-4379-8344-4F2452DA09CB

Santa Cruz County Sanitation District

The Santa Cruz County Sanitation District (District) is committed to providing excellent service to the community. Aging and failing systems add additional stormwater and groundwater flow volumes to our network through cracks, separations, and holes. This increased volume costs rate payers more due to higher treatment, pumping, maintenance, and capital costs. Piped systems deteriorate with age. Many of these systems are old and quickly approaching the anticipated end of their functional use.

Notice is hereby given that the Board of Directors of the Santa Cruz County Sanitation District is requiring all private sewer systems within the Santa Cruz County Sanitation District to be inspected by a licensed plumber for an evaluation of the condition of the system, up-to the connection to the public sewer main.

The video inspection and reports of the private sanitary sewer collection systems¹ shall be reviewed by the District staff who will identify maintenance and repairs required in the HOA-managed system. HOA's may refer to the County of Santa Cruz GIS for information on their private sewer system layout.

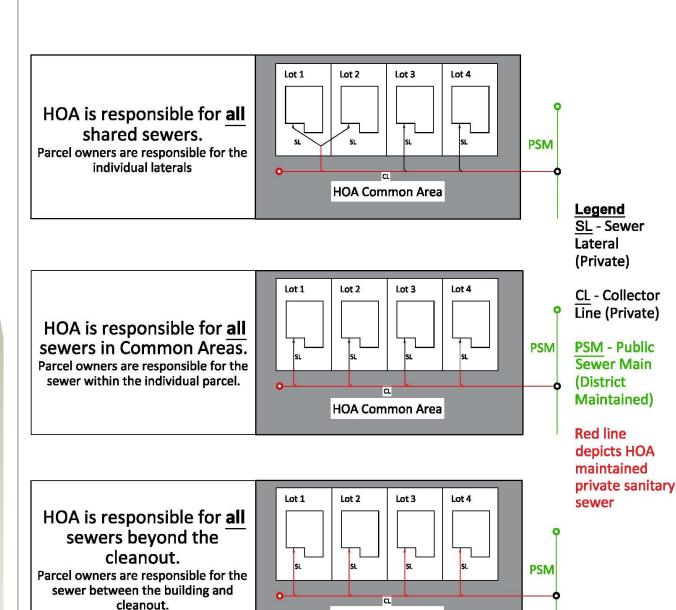
Next Steps After Submitting Inspection Videos & Reports

A drafted Maintenance Program shall be submitted to the District by July 1, 2024, that includes but is not limited to:

- 1. The HOA shall consider the prioritized list of District required improvements and come up with a timeline to complete the repairs. This is <u>due July 1, 2024.</u>
- 2. The HOA shall submit this timeline to the District for approval.
- 3. The HOA shall obtain a sewer permit (at no cost) prior to performing repairs.
- 4. The HOA shall establish a maintenance program to be submitted to the District by July 1, 2024 that includes :
 - a. routine inspections of the system;
 - b. removing grease, settled debris, roots, and other obstructions;
 - c. replacing failed or deteriorating pipe segments or appurtenances;
 - d. repairing or eliminating non-watertight joints;
 - e. repairing or replacing pipe segments containing voids, cracks, or fractures;
 - f. correcting offset joints;
 - g. repairing connections to the public sewer main;
 - h. eliminating sags;
 - i. replacing materials or appurtenances not meeting current District standards, as deemed necessary by the District; and
 - j. removing any non-sanitary-sewer connections from the building sewer.

¹Private Sanitary Sewer Collection System" means a sewer collection system serving any commercial business, any sewer collection system serving four or more units including but not limited to: apartment complexes, mobile home parks, condominiums, cooperative apartment buildings, as well as any sewer collection system with a privately owned and maintained sewer lift station. (Per District Code 7.04.325)

COLLECTIVE HOA RESPONSIBILITIES VS. INDIVIDUAL PARCEL OWNER SEWER LATERAL RESPONSIBILITIES Various Agreement Types



HOA Common Area



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

Scheduled Meetings

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

DAY: Third (3rd) Thursday

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

TIME: 9:30 AM – 11:00 AM

LOCATION: Simpkins Family Swim Center (unless meeting is held remotely)**

979 17th Avenue, Santa Cruz, CA 95062

Changes to the schedule, including special meetings, changes of location, or meeting cancellations, will be listed on the website at www.sccmmhc.org as soon as the information becomes available. Agendas will be posted 72 hours in advance of each meeting.

2021 MEETING DATES					
DATE	TIME	LOCATION			
January 21, 2021	9:30 – 11:00 AM	Remote			
March 18, 2021	9:30 – 11:00 AM	Remote			
May 20, 2021	9:30 – 11:00 AM	Remote			
July 15, 2021	9:30 – 11:00 AM	Remote			
September 16, 2021	9:30 – 11:00 AM	Remote			
November 18, 2021	9:30 – 11:00 AM	To Be Determined			



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

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

commissions@santacruzcounty.us

www.sccmmhc.org

Notice of Public Meeting and Agenda

DATE: Thursday, November 18, 2021

TIME: 9:30 AM

IN RESPONSE TO THE COVID-19 PUBLIC HEALTH EMERGENCY AND PURSUANT TO THE PROVISIONS OF AB 361 AND CAL. GOV. CODE 54953, THIS WILL BE A REMOTE MEETING WITH NO PHYSICAL LOCATION AVAILABLE, BUT ACCESS AND AN OPPORTUNITY TO COMMENT WILL BE PROVIDED.

VIRTUAL MEETING INFORMATION

TO JOIN BY VIDEO: https://zoom.us/join

OR TO JOIN BY PHONE ONLY: +1 (669) 900-6833 (San Jose)

Meeting ID: 998-8815-2083

Passcode: 1850

- 1. Call to Order/Roll Call/Agenda Review
- 2. Approve September 16, 2021 Meeting Minutes
- 3. Public Comment: Any person may address the Commission for a period not to exceed 3 minutes on matters within the Commission's jurisdiction. The Commission will not take action but may choose to follow up at a subsequent meeting.
- 4. New Business/Continuing Business/Action Items:
 - 4.1. Rail Corridor Boundary Survey Report Results and Park Resident Impact Discussion
 - 4.2. 2021 Jan Beautz Award
 - 4.3. CPUC Phase 2 Utility Conversion
 - 4.4. Commission Bylaws Revision
 - 4.5. AB 361 Statement of Findings
- 5. County Supervisor Report
- 6. Commissioner Reports
 - 6.1. District 1 (Brocklebank)
 - 6.2. District 2 (Cleveland)
 - 6.3. District 3 (Allenbaugh)
 - 6.4. District 4 (Valdez)
 - 6.5. District 5 (Halterman)
 - 6.6. Golden State Manufactured Homeowners League (Lerno)
 - 6.7. Western Manufactured Housing Communities (Garza)
- 7. Central Coast Resident-Owned Parks Report
- 8. Legislative Report
- 9. County Counsel Report
- 10. Staff Report
- 11. Correspondence
- 12. Adjournment

Next Meeting Scheduled for: 9:30 AM on Thursday, January 20, 2022

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. 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.



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 www.sccmmhc.org

MOBILE AND MANUFACTURED HOME COMMISSION MEETING MINUTES

DATE: September 16, 2021 LOCATION: Meeting held remotely

PRESENT: Jean Brocklebank (Vice Chair - 1st District), Henry Cleveland (Chair - 2nd District), Richard

Valdez (4th District), Rick Halterman (5th District), Carol Lerno (GSMOL),

EXCUSED: David Allenbaugh (3rdDistrict), Charlene Garza (WMA)

STAFF: Suzanne Yang, Esq. (Assistant County Counsel), Jamie Sehorn (1st District Analyst), Kaite

McGrew (Commissions Manager)

GUESTS: Megan Rhodes (Bay Federal) and 1 member of the public.

1. Call to Order/Roll Call/Agenda Review Meeting was convened at 9:31 AM.

2. Approve July 15, 2021 Meeting Minutes

Minutes were amended to include additional information related to the reasonable rate of return on capital improvements.

Motion to approve the July 15, 2021 minutes as amended

Motion/Second: Lerno/Halterman **Motion passed unanimously.**

- 3. Public Comment
- 4. New Business/Action Items:
 - 4.1. 2021 Jan Beautz Award Selection

Commission discussed potential candidates for the 2021 awards.

Motion to award the 2021 Jan Beautz Award to William Constantine.

Motion/Second: Brocklebank/Lerno

Motion passed unanimously.

- 5. County Supervisor Report:
 - 5.1. 13.32 amendments were approved unanimously and will go into effect 30 days after the final reading on 9/28/2021
 - 5.2. Supervisor continues to work with the HCD and the Soquel Gardens MHP owner to resolve outstanding health and safety issues and restore the permit to operate. They are monitoring reports by residents of not receiving timely utility billing.
- 6. Commissioner Reports
 - 6.1. 1st District Report

Brocklebank clarified that Soquel Gardens residents are not required to pay space rents until the park's permit to operate has been restored but remain responsible for payment of their utility bills or they are at risk for eviction. Brocklebank has been in contact with residents at Alimur park whose recent rent increase reflected increased property taxes and a "permanent pass-thru" amount that has been included in bills since 1998. Commission discussed property tax calculations. Official results of the Rail Corridor Boundary Encroachment Report will be discussed during the November meeting.

6.2. 2nd District Report:

Cleveland reported that some California MHPs are not passing thru CARE discounts on utility bills.

6.3. 3rd District Report: No Report

6.4. 4th District Report:

Valdez reported that Rancho Cerritos MHP has been purchased by a corporation.

6.5. 5th District Report

Halterman encouraged Commissioners to take advantage of discounted GSMOL memberships if they are not already members.

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

Lerno reported that GSMOL urged MHPs to follow County health and safety requirements when reopening common areas.

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

7. Central Coast Resident-Owned Parks Report

Cleveland reported that County Public Works withdrew a requirement that MHPs must conduct camera inspections of their sewers after being advised that HCD has jurisdiction over MHP sewer system requirements.

8. Legislative Report

- 8.1. AB-861 (preventing park owners from restricting the subletting of mobile homes by tenants in the event that the park owner is subletting park-owned mobile homes) passed and is awaiting the Governor's signature.
- 8.2. **AB-1061** (restrictions on water pass-through) passed and is awaiting the Governor's signature.
- 8.3. **AB-361 (allowing Brown Act meetings to be held remotely during emergencies)** passed and is awaiting the Governor's signature. Could impact Commission meeting logistics.
- 8.4. AB-339 (requires remote access to Brown Act meetings for the public and allows Commissioners with health issues to attend remotely) passed and is awaiting the Governor's signature. Could impact Commission meeting logistics. Elements of the bill conflict with AB-361.

9. County Counsel Report:

Yang reported that County Counsel's office is in contract negotiations with Senior Citizens Legal Services.

10. Staff Report:

All three MMHC recommendations from the July meeting went to the Board of Supervisors on August 24, 2021 and all were approved. The Sheriff's Community Room has been reserved for 2022 meetings. Bylaws will be amended to include the new meeting location during the November meeting.

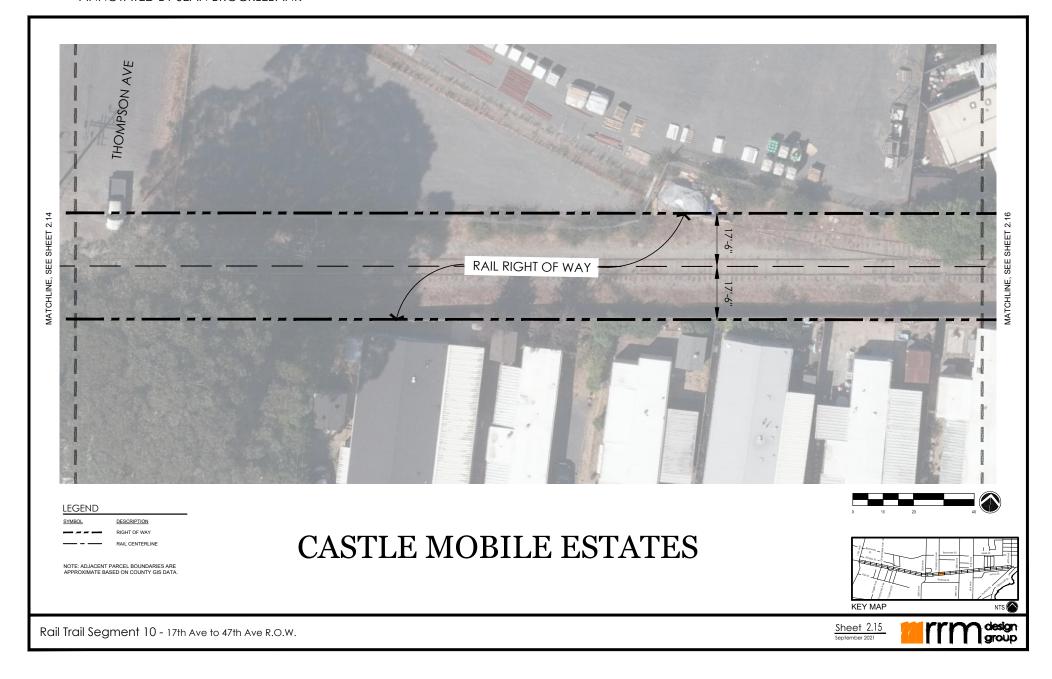
11. Correspondence:

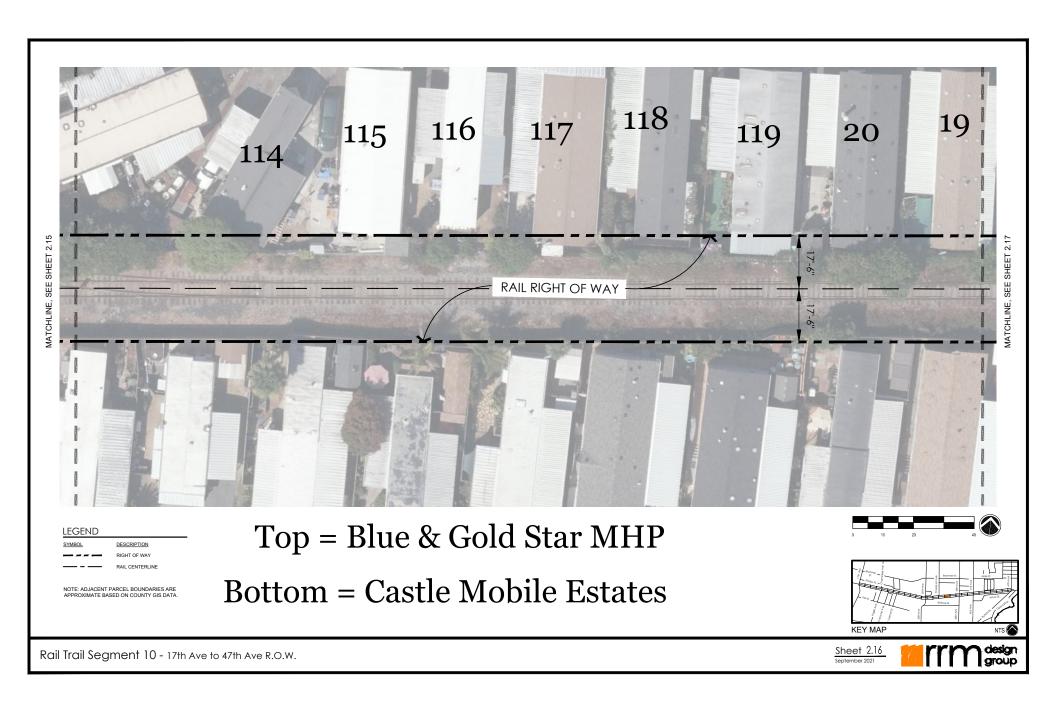
Commission reviewed correspondence from Matt Machado, Director of County Public Works, related to a sewer inspection issue.

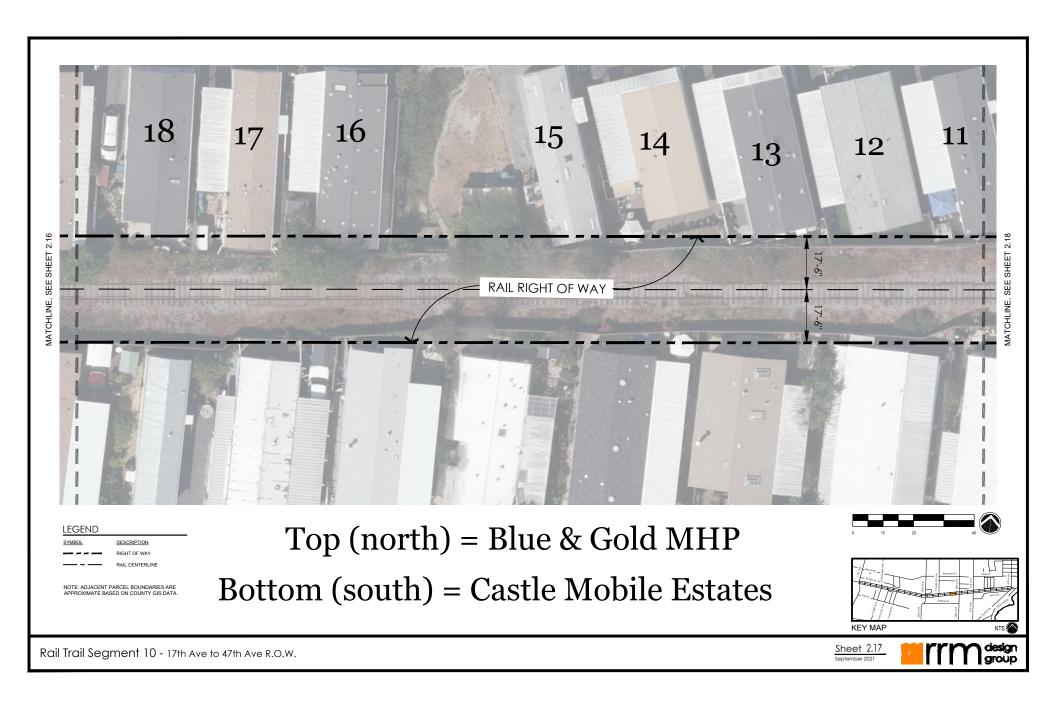
12. Adjournment

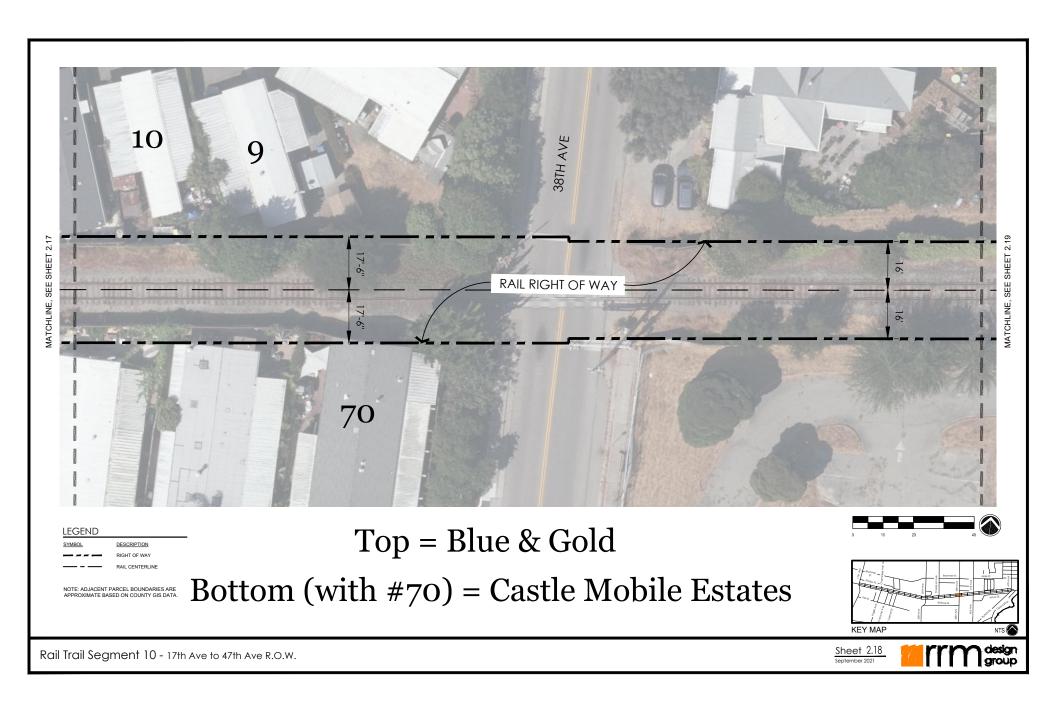
Meeting was adjourned at 10:45 AM.

Submitted by: Kaite McGrew, Commissions Manager









SCCRTC	Policy	NUMBER: Poli. 7.1	Leases, Licenses, Encroachments and Rights of Entry on Rail Line ROW	
	Revision Date: 08/6/2020	Author: Brianna Goodman		
		Approved by Commission on: 08/06/2020		

POLICY

Background

Purpose for Purchase of Branch Line

The Regional Transportation Commission (RTC) purchased the Santa Cruz Branch Rail Line (Branch Line) right-of-way (ROW) to:

- preserve it as a transportation corridor;
- continue existing freight and recreational rail service;
- facilitate increased freight and recreational rail service;
- explore passenger rail service options;
- construct a bicycle and pedestrian trail alongside the track where feasible;
 and
- maximize its use as a transportation corridor.

Funding for Purchase of Branch Line

The purchase of the Branch Line right-of-way was facilitated by funding from Proposition 116 of 1990, which provided Santa Cruz County with \$11 million to use for "rail projects within Santa Cruz County which facilitate recreational, commuter, intercity and intercounty travel." The California Transportation Commission (CTC) developed policies and requirements for projects funded with Proposition 116 funds. The CTC imposed certain conditions on its approval of Proposition 116 funds for purchase of the Branch Line right-of-way. The Proposition 116 funds were provided through a master funding agreement and a program supplement agreement with the State of California and administered by Caltrans.

Rail Service Operations for Branch Line

When the RTC purchased the Branch Line ROW, Union Pacific retained an easement for freight operations. That easement was transferred to the shortline freight and

recreational rail operator selected by the RTC for the Branch Line. Over time, as the RTC selects new or replacement rail operators that easement is expected to be transferred to that operator. The Surface Transportation Board (STB) designates the RTC selected rail operator as the common carrier for freight service on the Branch Line, as long as the operator meets the requirements of the STB. The RTC enters into an administration, coordination and license (AC&L) agreement with the selected rail operator. That agreement outlines the responsibilities of the operator and provides the operator with a license to operate recreational passenger rail service on the Branch Line. There are a number of operating agreements for the rail line including crossing agreements and a trackage rights agreement with Santa Cruz Big Trees and Pacific Railway. Rail operations on the Branch Line are governed and inspected by the Federal Railroad Administration (FRA) and the California Public Utilities Commission (CPUC) to help ensure safety.

RTC Planning Documents Affecting Branch Line

The RTC adopts every 4 or 5 years a regional transportation plan with projects on the Branch Line. The RTC also completed a master plan and environmental document for the Monterey Bay Sanctuary Scenic Trail Network (MBSST), which includes as its spine a trail on the Branch Line right-of-way alongside the operating track, which is referred to as the Coastal Rail Trail. In addition, the RTC has completed a passenger rail service feasibility study for the rail line, a Unified Corridor Investment Study that includes the Branch Line ROW, and is in the process of completing a Transit Corridor Alternatives Analysis for the Branch Line ROW. The RTC may undertake other studies which may affect the Branch Line ROW.

Policies for Leases, Licenses, Encroachments and Rights of Entry on the Rail Line ROW

The RTC currently manages several long-term leases of the Branch Line for various uses including parking, storage, and related uses. A lease analysis completed in 2009 concluded that most of the existing leases that were assumed by the RTC at the time of the purchase are significantly below market rate and in need of an update. The RTC periodically receives requests for updates to existing leases and additional long-term leases on the Branch Line. The Branch Line also includes licenses for pipelines, crossings, etc. In addition, the RTC regularly receives requests for temporary use of the Branch Line, primarily for construction staging, utility crossings, and road construction projects that impact or cross the Branch Line. The RTC manages these requests by granting temporary rights of entry for use of its property consistent with authorization given to the Executive Director by

the RTC Board under these policies. Finally, the RTC is working with entities who are implementing capital projects within the Branch Line property, including the various segments of the MBSST.

The following policies shall apply to all leases, licenses, encroachments and rights of entry managed and/or issued by the RTC:

- 1. Leases, licenses, rights of entry and encroachments on the Santa Cruz Branch Rail Line right-of-way shall be consistent with:
 - a. The RTC's purpose for purchasing the right-of-way;
 - b. Funding requirements of Proposition 116, the California Transportation Commission, and agreements with the State;
 - c. Rail service operations and safety requirements of the STB, the FRA, the CPUC, agreements with the shortline rail operator, licenses and other agreements and arrangements affecting railroad operations;
 - d. Standards of the American Railway Engineering and Maintenance of Way Association (AREMA)
 - e. The RTC's Regional Transportation Plan for Santa Cruz County;
 - f. The RTC master plan for the MBSST;
 - g. Measure D and Measure D policies outlined in the Measure D Strategic Implementation Plan (SIP) for improvements funded by Measure D;
 - h. RTC policies for capital projects implemented by others within the Branch Line right-of-way and any associated agreements for implementation and maintenance of such projects;
 - i. Plans developed by the RTC for high capacity transit service or other uses on the Branch Line; and
 - j. All applicable federal, state and local laws and regulations.
- 2. To ensure that there is no gift of public funds, new and updated leases shall be at market rate defined as:

The most probable rent that a property should bring in a competitive and open market reflecting all conditions and restrictions of the specified lease agreement including term, rental adjustment and revaluation, permitted uses, use restrictions, and expense obligations; the lessee and lessor each acting prudently and knowledgeably, and assuming consummation of a lease contract as of a specified date and the passing of the leasehold from lessor to lessee under conditions whereby:

a. Lessee and lessor are typically motivated;

- Both parties are well informed or well advised, and acting in what they
 consider their best interests, which can be aided by the production of a
 market rental rate survey or formal appraisal utilized during negotiations;
- c. A reasonable time is allowed for exposure in the open market;
- d. The rent payment is made in terms of cash in U.S. dollars, and is expressed as an amount per time period consistent with the payment schedule of the lease contract; and
- e. The rental amount represents the normal consideration for the property leased unaffected by special fees or concessions granted by anyone associated with the transaction.
- 3. The RTC shall use closed sessions consistent with the Brown Act to direct its lease negotiators regarding updated and new leases.
- 4. Leases (new and updated), licenses and rights of entry for a one-time or an annual amount exceeding the Executive Director's procurement authority for a single transaction, as established in the RTC's Administrative and Fiscal policies, shall be presented to the RTC for consideration in public session and the Executive Director is authorized to approve others.
- 5. There shall be a public review period of lease terms and conditions of at least 21 days prior to approval of a lease or lease update to give all responsible persons the opportunity to make credible and responsible offers with better lease terms and conditions to the RTC.
- 6. Leases shall include terms for escalation of rental rates consistent with market conditions.
- 7. Every five years, the RTC shall review existing leases to ensure that the rent is at market rates and for any leases found to be below market rates, the RTC shall work to update them to market rates based on a market rental rate survey, formal appraisal or other appropriate information.
- 8. Leases shall include a termination clause to ensure that leases will not unduly impact the development of transportation projects on the Branch Line right-of-way. Licenses and rights of entry that could potentially impact planned transportation projects on the Branch Line right-of-way due to length of term, purpose, etc. shall also include a termination clause.
- 9. Licenses and rights of entry shall include fees to the RTC and the rail service operator as applicable to reimburse the RTC and rail service operator for their cost to provide such right of entry in addition to a determined or negotiated market rate for the right of use provided by the license or right of entry.

- 10. Any lease, license, or right of entry that also crosses or otherwise impacts the rail service operator's easement or operations shall require review and acknowledgement by the rail operator.
- 11. If the license or right of entry will provide a service to the RTC benefiting its ownership, management, maintenance, improvement or operation of the Branch Line right-of-way, fees may be reduced or waived by the RTC.
- 12. Leases and rights of entry shall include appropriate indemnification to the RTC and the rail service operator as applicable.
- 13. Rights of entry shall include appropriate insurance requirements to protect the interests of the RTC and the rail service operator as applicable.
- 14. Leases, licenses, and rights of entry shall include prohibition against any alteration of RTC property except as approved by the corresponding lease, license, or right of entry.
- 15. Rights of entry and licenses shall include a requirement for notification of the rail service operator prior to entering the property as authorized.
- 16. Revenues from leases, licenses and rights of entry shall be used to cover costs of the RTC to negotiate, produce and implement such leases, licenses and rights of entry and for costs associated with the RTC's responsibility to manage, maintain, operate and improve the Branch Line as established in the funding agreements with the State.
- 17. Any encroachments onto the Branch Line shall be resolved by removal of the encroachment or conversion of the encroachment to a long-term lease, license or right of entry.
- 18. As resources allow and needs arise, the RTC will work to identify and address encroachments on the Branch Line ROW. Encroachments may also be brought to the attention of the RTC or discovered inadvertently.
- 19. Identification and addressing of encroachments shall prioritize encroachments which:
 - a. Impact the uses, operations, inspections and maintenance of the Branch Line ROW;
 - b. Impact the implementation of projects by the RTC or RTC partner agencies on or in the vicinity of the Branch Line ROW; and/or
 - c. Impact liabilities to the RTC.

- 20. Encroachments that are not the subject of an approved lease, license or right of entry in accordance with this Policy are not permitted, and are subject to removal in accordance with applicable law. Depending on the nature of the encroachment, and at the sole discretion of the RTC, options may include:
 - a. Immediate removal;
 - b. Removal within a specified period of time;
 - c. Possible modifications to the encroachment; and/or
 - d. Development of a lease, license, or right of entry at Fair Market Value.
- 21. For areas that should be fenced as determined by RTC:
- a. RTC will gather relevant, available information to confirm the location of the applicable RTC property boundaries.
- b. RTC will notify neighboring property owners in advance of the decision to install fences, barricades, and other barriers in the specified area.
- c. RTC will cause the fences, barricades, and other barriers to be installed in the specific locations at the times specified in the notice to the property owners.

ATTACHMENTS



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

www.sccmmhc.org

November 18, 2021

William Constantine, Esq. 303 Potrero Street Santa Cruz, CA 95060

RE: Letter of Commendation for Outstanding Service to the Mobile and Manufactured Home Community

Dear Mr. Constantine,

The Santa Cruz County Mobile and Manufactured Home Commission (MMHC) is pleased to announce that you are its third annual recipient of the Jan Beautz Award for Outstanding Service to the Mobile and Manufactured Home Community, hereby acknowledging your long and distinguished record of outstanding service and significant contributions to the Santa Cruz County mobile and manufactured home community.

We thank you for your tireless support of mobile home resident rights for over 30 years, both in Santa Cruz County as well as throughout California. Your engagement with residents of County parks, with the Mobile and Manufactured Home Commission (MMHC), with attorneys statewide, and with state agencies and local jurisdictions has produced profound improvements to stability and resiliency of mobile home living.

Your pro bono presentations and consultations in meetings with mobile home park residents and with our Commission have guided all to understand rent stabilization ordinances in general as well as specifically in regard to the County's ordinance.

You have identified areas in the County's space rent stabilization ordinance and proposed effective solutions to clarify and strengthen the ordinance.

Your work on sham conversions is exemplary. First, you educated and encouraged the County to strengthen its park conversion ordinances. Then you worked with the California Rural Legal Assistance and statewide agencies to extend these protections to mobilehome residents statewide. The study you did with CRLA in park closures was quite persuasive. Your study helped lead to AB 2782 by Mark Stone in 2020, which provides park closure protections statewide. Your role in the bill helped to benefit low-income residents throughout California, preserving mobile homes as affordable housing.

Your efforts to improve the County's mobile home zoning and housing elements have also been replicated in cities and counties Statewide.

Your professional work extended to the City of Watsonville, as well as many cities and counties statewide. You have advised many generations of State legislators on the laws needed to protect the rights of park residents. The State's Mobile Home Residency law is stronger because of your work.

Santa Cruz has the good fortune of being your home county. Ultimately all mobile and manufactured home residents have benefitted from your amazing and selfless efforts.

Therefore, on behalf of the Santa Cruz County Mobile and Manufactured Home Commission, we express our sincere appreciation and gratitude to you for your commitment to advancing the interests of mobile and manufactured home residents in Santa Cruz County and ensuring that their voices continue to be heard.

Respectfully,

Henry Cleveland

Commission Chair

cc: Santa Cruz County Board of Supervisors

Jean Brocklebank

Commission Vice Chair



NEW CALIFORNIA PUBLIC UTILITIES COMMISION (CPUC) DECISION PROTECTS HOMEOWNERS IN PARKS UNDERGOING UTILITY CONVERSIONS

ABOUT THE AUTHOR: MR. STANTON HAS BEEN A PRACTICING ATTORNEY SINCE 1982 AND HAS BEEN REPRESENTING MOBILEHOME RESIDENTS AND HOMEOWNERS ASSOCIATIONS AS A SPECIALTY FOR OVER 30 YEARS. HIS PRACTICE IS LOCATED IN SAN JOSE, AND HE IS THE CORPORATE COUNSEL FOR GSMOL.

History:

For nearly a decade the California Public Utilities Commission (CPUC) has been holding hearings to consider transferring control of gas and electric systems in mobilehome parks back to the local serving utilities, such as Edison or PG&E. Over the decades many park owners took over operation of the gas and electric systems in their parks, and created a sub-meter system where the park owner directly bills the residents for their energy use. This only applies to gas and electric, and not water. In a sub-metered park, the park owner is also responsible to repair or replace the system, and receives energy from the local utility at a discounted rate so as to receive compensation for system repairs and upgrades. Unfortunately, park owners have never been required to account for these "discount" funds, and have simply spent the money however they wish. And when repairs arose park owners formerly tried to pass those costs on to homeowners.

In 1996 GSMOL obtained a landmark decision at the CPUC which is referred to as the "Double-Dip" decision. It provides that a park owner cannot pass through any costs to repair gas or electric systems in a park to the homeowners, since they are already receiving the utility discounts for that purpose. Subsequent decisions confirmed that limited pass through of costs related to park common areas, or to that portion of the system between the utility meter and the home which was already owned by the park owner (i.e. "behind the meter"), are permissible.

Over the years gas and electric systems have been aging in parks, sometimes creating hazardous conditions and unreliable energy service to homeowners. Many parks did not wish to spend money for repairs or upgrades, and if the system was too old they tried to give it back to the utility. But the utility would typically require repair of the system first before taking it back. Since the park didn't wish to pay for that, a stalemate

ensued, where the utility would not take back the system and the park owner wouldn't repair it. As a result, the homeowners suffered.

In 2012 a proceeding was opened at the CPUC to consider how a program could be developed to break this stalemate and encourage transfer of mobilehome park gas and electric systems back to the serving utilities. Phase I of that proceeding established a "pilot program" whereby 10% of the State's mobilehome spaces would be so converted. The existing systems would be abandoned in the ground and new "line extension" systems installed with new meters. The cost of the project would be predominantly borne by all of the ratepayers in the State of California, and funded via allowable increases in gas and electric rates state-wide. In 2018 the CPUC voted in rulemaking proceeding R.18-04-018 to adopt a permanent 10-year program to run from 2021-2030 to facilitate these utility conversions throughout Califor-

In 2020 the CPUC opened Phase II of this proceeding, involving consideration of two issues. One is referred to as "electrification", which would require all mobilehome appliances be operated by electric energy only-no gas appliances. This portion is still to be determined.

The remaining issue in Phase 2 focused on "consumer protection", specifically "examining ways to protect residents of mobilehome parks from unreasonable rent increases or evictions following a park's participation in the Mobilehome Utility Conversion Program." The concern is that a park owner would allege that because its system was now modernized, the value added to the park, and to the residents,

The Decision:

On August 20, 2021, the CPUC adopted Decision 21-08-025, which contained the following Order requiring new language to be inserted in the written agreement to be signed by park owners when utility conversion projects are initiated:

- The consumer protection language recommended in the CPUC Staff Proposal issued on February 12, 2021, is adopted with modifications.
- 2. Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern

(Continued on Page 7)

(Continued from Page 6)

California Edison Company, Southern California Gas Company, Bear Valley Electric Service Inc, Liberty Utilities (CalPeco Electric) LLC, Pacifi-Corp, and Southwest Gas shall add the following language to the Mobilehome Park (MHP) Utility Upgrade Program Agreement (MHP Program Agreement) that is signed by MHPs participating in the MHP Utility Conversion Program:

The MHP residents are intended third party beneficiaries with respect to the protections contained in this clause, and shall have the sole right to enforce this clause:

The property owner(s) and/or the resident shall not raise the rent of a unit or space because of the increased value of the unit due solely to infrastructure improvements provided by the Mobilehome Park (MHP) **Utility Conversion Program (MHP Conversion** Program or Program). Allowable factors for rent increase include, but are not limited to, an increase in property taxes, operation and maintenance costs, and/or amortizing costs of property improvements other than those made by the MHP Conversion Program. The owner(s) of the MHP shall provide notice of this protection from rent increases due to participation in the MHP Conversion Program in writing to each MHP resident within 3 days of transfer of the MHP infrastructure to the utility following program completion. That notice will include the current contact information for mobilehome resources. including but not necessarily limited to the **Mobilehome Assistance Center and the Mobilehome Residency Law Protection** Program:

Mobilehome Assistance Center (Complaints)

Phone: 1-(800) 952-8356

E-mail: <u>MHAssistance@hcd.ca.gov</u> Mailing Address: P.O. Box 278690,

Sacramento, CA 95827-8690

Mobilehome Residency Law Protection Program (Complaints)

Phone: 1-(800) 952-8356

E-mail: <u>MRLComplaint@hcd.ca.gov</u> Mailing Address: P.O. Box 278690,

Sacramento, CA 95827-8690

Participating utilities shall update the contact information for these resources in the MHP Program Agreement and notices as needed.

- 3. The utilities shall require Mobilehome Parks (MHP) participating in the MHP Utility Conversion Program to inform their residents in writing of the consumer protections adopted in this decision, including up-to-date information on the MHP resources identified in the consumer protection language set forth in Ordering Paragraph 2. Specifically, the utilities will include the language adopted in this decision in the updated MHP Program Agreement and will provide a written reminder of this notice requirement to the MHP owner upon transfer of the system to the utility.
- 4. Within 45 days of the issuance of this decision, Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison Company, Southern California Gas Company, Bear Valley Electric Service Inc, Liberty Utilities (CalPeco Electric) LLC, PacifiCorp, and Southwest Gas shall submit a Tier 1 Advice Letter to the Commission's Energy Division in compliance with this decision. That Advice Letter shall include an updated Mobilehome Park Utility Upgrade Program Agreement that contains the consumer protections adopted in this decision, including a description of the specific information that participating MHP owners will provide to residents, as well as a discussion of methods the MHP owners may use to communicate these protections to their residents."

A number of objections to the Decision by WMA, the park owner's trade organization, were not accepted.

This important Decision offers critical protections to any homeowner in a park which is undergoing a utility system conversion. Homeowners in those parks are encouraged to be looking for these required communications, and to report to GSMOL any park owner violations of the above Order.

The full text of this Decision can be viewed by clicking on the "Proceedings" tab on the CPUC website for R.18-04-018.

This article was mailed out as "Your Rights Bytes #19" on the Ed Fund email bulletin. See page 12 for information about subscribing to this bulletin.

Give a "Gift of Membership" to a non-member.

Use the Membership Application located on Page 13.

SANTA CRUZ COUNTY MOBILE AND MANUFACTURED HOME COMMISSION

BYLAWS

1. <u>DUTIES AND RESPONSIBILITIES</u>

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 1st 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 1st 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 17th Avenue, Santa Cruz, CA 95062)—Sheriff's Office Community Room (5200 Soquel 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 and one other Commissioner at any time.

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:	
DATE APPROVED BY BOARD OF SUPERVISORS:	



Santa Cruz County Mobile and Manufactured Home Commission

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

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SANTA CRUZ COUNTY MOBILE AND MANUFACTURED HOME COMMISSION'S FINDINGS PURSUANT TO ASSEMBLY BILL 361 AUTHORIZING TELECONFERENCE MEETINGS AS A RESULT OF THE CONTINUING COVID-19 PANDEMIC STATE OF EMERGENCY AND HEALTH OFFICER RECOMMENDATION FOR SOCIAL DISTANCING

WHEREAS, The Santa Cruz County Mobile and Manufactured Home Commission is a legislative body under the Brown Act as defined under Cal. Gov. Code section 54952(b) and Santa Cruz County Code Section 2.38.110; and

WHEREAS, on September 16, 2021, Governor Newsom signed Assembly Bill 361 ("AB 361"), urgency legislation effective immediately, that amended Government Code section 54953 to permit legislative bodies subject to the Brown Act to continue to meet under modified teleconferencing rules provided that they comply with specific requirements set forth in the statute; and,

WHEREAS, pursuant to AB 361 and Cal. Gov. Code section 54953(e)(1)(A), a legislative body may meet under the modified teleconferencing rules during a proclaimed state of emergency, and where local officials have imposed or recommended measures to promote social distancing; and

WHEREAS, on March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic, and which remains in effect; and

WHEREAS, on September 30, 2021, Santa Cruz County Public Health Officer Dr. Gail Newel strongly recommended that legislative bodies in Santa Cruz County continue to engage in physical/social distancing by meeting via teleconference as allowed by AB 361 and confirmed that she will regularly review and reconsider this recommendation and notify the public when it is no longer recommended; and

WHEREAS, pursuant to AB 361 and Cal. Gov. Code section 54953(e)(3), within 30 days of the date the legislative body first holding a teleconferenced meeting under the modified rules, and every 30 days thereafter, a legislative body can continue to hold such teleconference meetings provided it has reconsidered the circumstances of the state of emergency and determined either that the state of emergency continues to directly impact the ability of the members to meet safely in person or that local officials continue to recommend measures to promote social distancing; and

WHEREAS, on November 18, 2021, The Santa Cruz County Mobile and Manufactured Home Commission held its initial teleconference meeting under AB 361; and

WHEREAS, this Santa Cruz County Mobile and Manufactured Home Commission has reconsidered the circumstances of the current state of emergency and finds that the COVID-19 pandemic continues to directly impact the ability of members of the public to participate safely in person and further finds that the Santa Cruz County Public Health Officer continues to recommend measures to promote social distancing; and

WHEREAS, in the interest of public health and safety, and due to the emergency caused by the spread of COVID-19, the Santa Cruz County Mobile and Manufactured Home Commission deems it necessary to utilize the modified teleconferencing rules set forth in AB 361;

NOW, THEREFORE, the Santa Cruz County Mobile and Manufactured Home Commission makes the following findings by a majority vote:

Section 1. The foregoing recitals are true and correct, and adopted as findings of the Santa Cruz County Mobile and Manufactured Home Commission.

Section 2. Effective immediately, and for the next 30 days, the Santa Cruz County Mobile and Manufactured Home Commission will meet via teleconference as authorized under AB 361 and Government Code section 54953(e)(3).

Section 3. No later than thirty (30) days from making today's findings, or at the next scheduled meeting, the Commission will reconsider the circumstances of the COVID-19 state of emergency and, if necessary, adopt subsequent findings to continue holding teleconference meetings in accordance with Government Code section 54953(e)(3).

PASSED AND ADOPTED by the Santa Cruz County Mobile and Manufactured Home Commission in Santa Cruz, State of California, this 18th day of November, 2021, by the following vote:

AYES: NOES: ABSENT: ABSTAIN:	
	Henry Cleveland
	Chair, Santa Cruz County Mobile and Manufactured Home Commission
ATTEST:	
	Department Staff
Approved as	to Form:
Office of th	e 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 www.sccmmhc.org

Scheduled Meetings

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

DAY: Third (3rd) Thursday

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

TIME: 9:30 AM – 11:00 AM

LOCATION: Sheriff's Community Room (unless meeting is held remotely)**

5200 Soquel 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 as soon as the information becomes available. Agendas will be posted 72 hours in advance of each meeting.

2022 MEETING DATES						
DATE	TIME	LOCATION				
January 20, 2022	9:30 – 11:00 AM	To Be Determined				
March 17, 2022	9:30 – 11:00 AM	To Be Determined				
May 19, 2022	9:30 – 11:00 AM	To Be Determined				
July 21, 2022	9:30 – 11:00 AM	To Be Determined				
September 15, 2022	9:30 – 11:00 AM	To Be Determined				
November 17, 2022	9:30 – 11:00 AM	To Be Determined				