

Barker, Russ

**From:** RON FAAS [faas@verizon.net]  
**Sent:** Sunday, March 11, 2012 4:23 PM  
**To:** sbcob  
**Cc:** SupervisorCarbajal; Wolf, Janet; Farr, Doreen; Gray, Joni; Hunt, Jeff; Bell, Allen; Clementi, Paul; Lavagnino, Steve  
**Subject:** For BOS Public Comment - Homeowners' Requested Revisions to PC Recommended Draft  
**Attachments:** MHP Closure Conversion - Requested Revisions to PC Recommended Draft by Section - Rev 11Ma12.doc; ConversionOrdinance\_chart with Santa Barbara PC Recommended Draft - Rev 3-2-12.doc

Santa County Clerk of the Board,  
 105 East Anapamu Street, Room 407,  
 Santa Barbara CA 93101.

Please enter the following statement and two attachments into the record for the Board of Supervisors Hearing on March 13, 2012 Agenda Item #2 - Mobilehome Park Closure Ordinance.



### Santa County Board of Supervisors:

The attached chart "Components of City/County Conversion Ordinances" show key components of MH park closure conversion ordinances. It identifies two major groups of components, Impact Report and Relocation Assistance. It illustrates the deficiencies in the California Government Code 65863.7, and the kinds of protection provided by the model ordinance adopted by San Luis Obispo County, along with the ordinances of other selected jurisdictions.

The green column identifies what is both provided and missing from the draft ordinance recommended by the Santa Barbara County Planning Commission for adoption by the Board of Supervisors.

Each X shows what shall be provided by the PC recommended draft. The X?, however, shows too many components that are made optional by "May" language in both the text added to the 35.89.070 introduction that states ". . . , and may include, but not be limited to, any of the following measures.", and the 35.89.070.A. stating ". . . the County may apply measures to cover, . . ." These essential components, **that must not be optional**, are relocation assistance (payment of relocation costs) and relocation plan (including relocation specialist).

Furthermore, each ? indicates that the change in 35.89.070.A.2 from "shall" to "may at the discretion of the County," could eliminate the requirement for the Impact Report to use "fair market value" estimate in its MH replacement cost, and for the Relocation Assistance to buy at "in-place" market value for purchase of comparable housing.

Each "may" is unnecessary because the flexibility desired by the Planning Commission to deal with each closure application on a case-by-case basis is provided for in ordinance section 35.89.090, which allows opportunity for the applicant to request

exemption from relocation assistance requirements and states criteria for granting discretion.

**To correct these unacceptable deficiencies, our High Priority changes requested are:**

**35.89.070 – Conditions of Approval. (introduction)**

Change “may” to “shall” in 3<sup>rd</sup> line to read:

Approval of a Conditional Use Permit shall include reasonable conditions of approval in compliance with Government Code Section 65863.7, which shall not exceed the reasonable costs of relocation for displaced mobilehome park residents, and ~~shall may~~ include, but not be limited to, any of the following measures:

**35.89.070 – Conditions of Approval. A. Relocation or sale.**

Change “may” to “shall” in 1<sup>st</sup> line to read:

In compliance with Government Code Sections 65863.7 and 66427.4, the County ~~shall may~~ apply measures to cover, but not exceed, the reasonable costs of relocation for displaced mobilehome park residents.

**35.89.070 – Conditions of Approval. A. Relocation or sale.**

Change “may” to “shall” in 1<sup>st</sup> line, and add new paragraph at end to read:

**2. Relocation assistance for mobilehome owners whose homes cannot be relocated.**

~~ba.~~ The applicant ~~shall may, at the discretion of the County,~~ be required to buy the mobilehome and pay the "in-place" sale value, which shall be the appraised fair market value as determined by a certified real estate appraiser who is acceptable to the County, utilizing principles applicable in mobilehome relocation matters. The appraised value shall be determined after consideration of relevant factors, including the value of the mobilehome in its current location, assuming continuation of the mobilehome park in a safe, sanitary, and well maintained condition. Based on the financial information provided in the applicant's request for Exemption under Section 35.89.090, the County may decide to grant partial to full exemption if the ratio of total cost of relocation assistance (35.89.090.B.3) to estimated value of the mobilehome park developed for the proposed change of use (35.89.090.B.4.) goes beyond "reasonable costs of relocation."

**To make the PC recommended draft whole** so that it provides all the protection in the model ordinance presented, we also request the following changes:

**35.89.070 – Conditions of Approval. A. Relocation or sale.**

**2. Relocation assistance for mobilehome owners whose homes cannot be relocated.**

For consistency with “to a comparable mobilehome park” in 35.89.070.A.1.a., add “to a comparable mobilehome park, “ to 35.89.070.A.2. 1<sup>st</sup> sentence to read:

In cases in which it is not feasible to relocate the mobilehome to a comparable mobilehome park,

**35.89.070. Conditions of Approval. B. Relocation plan. 1. Relocation Counselor (2<sup>nd</sup> paragraph)**

Delete “, unless waived by the resident,” in 3<sup>rd</sup> sentence to read:

resident of the mobilehome park and, ~~unless waived by the resident,~~ commence to determine the

All of the above homeowner-requested changes are listed in sequential order in the attached “Homeowners’ Requested Revisions to PC Recommended Draft Santa Barbara County MHP Closure Conversion Ordinance in Attachments C. County LUDC Amendments (11ORD-00000-

00017) & H. PC LUDC Resolutions and Ordinance Amendments (Tracked Changes) to Staff's Board Agenda Letter for the March 13, 2012 Board of Supervisors Hearing."

Thank You.

Ron Faas

Resident of Sunnyhills MH Community, 1650 E. Clark Ave., #248, Santa Maria, CA 93455-7520

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Legislative Action Coordinator, Northern Santa Barbara Manufactured Homeowners Team (NSBMHT)

Submitted on behalf of NSBMHT and the South (Santa Barbara) County Alliance of Manufactured Park Residents (SCAMPR)

**Homeowners' Requested Revisions to PC Recommended Draft Santa Barbara County MHP Closure Conversion Ordinance in Attachments C. County LUDC Amendments (11ORD-00000-00017) & H. PC LUDC Resolutions and Ordinance Amendments (Tracked Changes) to Staff's Board Agenda Letter for the March 13, 2012 Board of Supervisors Hearing**

Submitted by Ron Faas on behalf of the Northern Santa Barbara Manufactured Homeowners Team (NSBMHT) and the South (Santa Barbara) County Alliance of Manufactured Park Residents (SCAMPR)

All homeowner-requested changes are shown in bold green, with additions double-underlined and ~~deletions double struck through~~.

While our requests are listed in the sequential order presented in the draft ordinance, our three High Priority requests are flagged **HIGH PRIORITY**.

**CHAPTER 35.89 - MOBILEHOME PARK CLOSURE**

**35.89.070 – Conditions of Approval.**

**HIGH PRIORITY - P.3. Change requested: 35.89.070 – Conditions of Approval. (Introduction)**  
Approval of a Conditional Use Permit shall include reasonable conditions of approval in compliance with Government Code Section 65863.7, which shall not exceed the reasonable costs of relocation for displaced mobilehome park residents, and shall ~~may~~ include, but not be limited to, any of the following measures:

**HIGH PRIORITY - P.3. Change requested: 35.89.070 – Conditions of Approval. A. Relocation or sale.**

In compliance with Government Code Sections 65863.7 and 66427.4, the County shall ~~may~~ apply measures to cover, but not exceed, the reasonable costs of relocation for displaced mobilehome park residents. Mobilehome owners who are not permanent residents are not eligible for relocation benefits. The Conditional Use Permit shall identify the options assigned to each displaced mobilehome occupant in a Relocation Plan, as follows:

**2. Relocation assistance for mobilehome owners whose homes cannot be relocated.**

**P.4. Change requested: 35.89.070.A.2.**

In cases in which it is not feasible to relocate the mobilehome to a comparable mobilehome park, including cases in which the condition of the mobilehome is such that it cannot be safely relocated, cases in which the mobilehome does not meet minimum requirements to be accepted into another mobilehome park, or cases in which there are no available spaces at a mobilehome park within 25 miles, the applicant shall provide the following relocation assistance to each mobilehome owner who is also a permanent resident.

**Pp.4&5. Change requested: 35.89.070.A.2. change sequence order of a. & b.**

**a**b. Each displaced mobilehome household will receive a lump sum difference between current space rent and rent for a housing unit of a size appropriate, according to California Health and Safety Code Section

50052.5.(h), to accommodate the displaced household and that meets Department of Housing and Urban Development (HUD) Housing Quality Standards for a period of 12 months. For purposes of calculating a relocation payment, the rent differential shall not exceed the difference between the current space rent and the Fair Market Rent of a unit of a size appropriate to accommodate the displaced household as published annually by HUD. If the mobilehome owner sells their unit to a third party the mobilehome owner shall receive the proceeds from said sale and is also eligible for the aforementioned rent subsidy; and,

**HIGH PRIORITY - P. 5. Change requested: 35.89.070. A.2.b. (changed to a.)**

~~a.b.~~ The applicant ~~shall may, at the discretion of the County,~~ be required to buy the mobilehome and pay the "in-place" sale value, which shall be the appraised fair market value as determined by a certified real estate appraiser who is acceptable to the County, utilizing principles applicable in mobilehome relocation matters. The appraised value shall be determined after consideration of relevant factors, including the value of the mobilehome in its current location, assuming continuation of the mobilehome park in a safe, sanitary, and well maintained condition. Based on the financial information provided in the applicant's request for Exemption under Section 35.89.090, the County may decide to grant partial to full exemption if the ratio of total cost of relocation assistance (35.89.090.B.3) to estimated value of the mobilehome park developed for the proposed change of use (35.89.090.B.4.) goes beyond "reasonable costs of relocation."

**35.89.070 – Conditions of Approval. B. Relocation plan.**

**1. Relocation Counselor.**

**P.6. Change requested: 35.89.070. B.1. Relocation Counselor (2<sup>nd</sup> paragraph)**

No later than 30 calendar days following the effective date of the Conditional Use Permit for the mobilehome park closure, the Relocation Counselor(s) shall make personal contact with each displaced resident of the mobilehome park and, ~~unless waived by the resident,~~ commence to determine the applicable relocation costs and assistance to be provided. The Relocation Counselor shall give to each person eligible to receive relocation assistance a written notice of his or her options for relocation assistance as determined by the Conditional Use Permit. The Relocation Counselor shall provide proof of contact and written notice with the mobilehome park residents by filing an affidavit attesting that fact with the Department.

# Components of City/County Conversion Ordinances

The chart below shows details of other CA cities and counties.) Rev.3/2/12

Comparing Mobile Home Park Conversion Ordinances (Laws)  (edited 2/8/09 from a table prepared by SLO county staff)	California Gov't. Code	San Luis Obispo County	Santa Barbara County	Ventura County	Santa Cruz County	Seal Beach	Long Beach City	Oxnard City	GSMOL - Hunt. Beach
<b>IMPACT REPORT</b> – used by city/county in deciding to permit conversion	X	X	X	X	X	X	X	X	X
Available mh spaces elsewhere	X	X	X	X	X	X	X	X	X
Available Alternative Affordable Housing		X	X			X	X		X
Cost to relocate MH <sup>1</sup>	X	X	X	X	X	X	X	X	X
Cost to replace MH <sup>2</sup>		X	?	X		X		X	X
Age, size, condition of all MH's		X	X	X	X	X		X	X
Age/family size of displaced residents		X		X		X		X	X
Income level of displaced residents		X		X				X	
<b>RELOCATION ASSISTANCE</b> Plans to help displaced residents		X	X?	X	X	X	X	X	X
Relocation Plan <sup>3</sup>		X	X?	X		X		X	X
Relocation Specialist		X	X?	X		X		X	X
Comparable Replacement Housing		X	?			X	X		X
Notice period to move		Min. of 6 mos.	Min. of 6 mos.?	2 yrs	1 yr	1 yr ?	1 yr	2 yrs	18 mos
1 <sup>ST</sup> option to buy new units					X	X			X
Pay relocation costs	X	X	X?	All	X	X	All	All	X
Higher space rent in new MHP covered		2 yrs	1 yr?			1 yr			1 yr
Buy 'in place' Market Value		X	?	X	X	X	X	X	X

MH = mobile home; MHP = mobile home park

1 Relocation cost – use the cost of simply moving the MH to a new MHP (if another MHP will accept the MH).

2 Replacement cost – if no MHP will accept the MH, use "fair market value" estimate from a relocation appraiser (GSMOL, San Luis Obispo, Santa Cruz, Seal Beach, Long Beach, Ventura & Oxnard).

3 Relocation plan – describes aid to go to each displaced tenant, cost of moving, new residence location, steps to be taken to ensure successful relocation.

+ Renters' Assistance – SLO County

+ Incremental Closure – SLO County

+ Application for Exemption for Park Owners – SLO County, GSMOL/Huntington Beach, Seal Beach and possibly others.