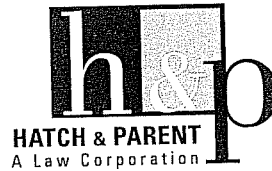


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December 19, 2007

By Hand Delivery

Board of Supervisors
County of Santa Barbara
123 East Anapamu Street
Santa Barbara, CA 93101

Re: Proposed Urgency Ordinance Prohibiting Mobile Home Park Subdivisions
and/or Conversions -- Mountain View Homes Project

Dear Honorable Members of the Board:

Background

On December 4, 2007, your Board directed Planning & Development staff and the County Counsel to quickly prepare and present to your Board an urgency ordinance that would prohibit the subdivision or conversion of mobile home parks. During that hearing, John Baker testified that no such subdivision or conversion projects were pending with the County. Each of your members expressed concern about protecting tenants in rental mobile home parks. At the same time, some Board members acknowledged the importance of providing the opportunity for resident-owned mobile home parks. Ironically, the public speakers on this item were residents of mobile home parks that are resident-owned.

On December 11, 2007, I appeared before your Board during the Public Comment period to alert you to the pending application to convert the nearly-empty Foss Mobile Home Park property to a mobile home subdivision that will allow occupants to own the park and the air space occupied by their modern new modular homes.

We hereby request that, regardless of what action the Board takes regarding regulation of mobile home parks, the Mountain View Homes project be exempted from any ordinance that would delay or prevent approval of this pending project.

Mountain View Homes Subdivision

Called the Mountain View Homes project, this subdivision application was filed with the County in January 2007 and declared complete in March 2007. Planning & Development published a draft Initial Study on the project in November 2007, *BEFORE* your Board was asked

to consider a moratorium. The applicant was completely unaware of the December 4, 2007 hearing until after it had occurred. Apparently, Mr. Baker was equally unaware of the Mountain View Homes project and how long it has been in the County process.

The Mountain View Homes project is unique in that only a handful of tenants remain on the property. Each has rejected a generous offer to be bought out and has elected to remain on the site. The applicant respects their decision and will make arrangements for the present tenants to remain with their coaches on the property as long as they wish. The applicant proposes a new subdivision of the property into air space condominiums, which will allow the residents of the attractive new modular homes to be home owners. Each new buyer will be legally entitled to occupy his or her own home and will own an undivided interest in the real property. For the existing tenants, the applicant will retain ownership of their spaces and will continue to rent to them in compliance with all applicable rent controls, for so long as they remain in their space. In short, the mobile home park will not be closing. Neither will present occupants be required to purchase their space or move out. They may remain as long as they choose.

There Is No Legal Basis For A Moratorium On Mobile Home Park Subdivisions

While the County has discretion to impose requirements, beyond those imposed by the Subdivision Map Act, upon the conversion of a mobile home park (MHP) to a non-MHP use (as the City of Santa Maria has done), the same is not true of conditions applicable to MHP subdivisions from tenant-occupied to resident-occupied units. The Subdivision Map Act section applicable to these subdivisions is Government Code section 66427.5. That section sets forth the *sole* conditions, other than CEQA mitigation measures, that a local agency may impose upon a MHP subdivision that converts it to resident ownership. There is no ambiguity in this regard, either in case law or in the statute. Government Code section 66427.4, which gives local agencies authority to impose additional conditions on a subdivision map for conversion to a non-MHP use, states: "This section shall not be applicable to a subdivision which is created from the conversion of a rental mobile home park to resident ownership."

In *El Dorado Palm Springs, Ltd., v. City of Palm Springs* (2002) 96 Cal.App.4th 1153, the Court of Appeal made it clear that local agencies may not impose additional restrictions, beyond those set forth in Government Code section 66427.5, upon subdivisions that convert MHP's to resident ownership. In an uncodified section of the bill amending section 66427.5 in 2002, the Legislature stated that the section was addressing conversions as mentioned in the *El Dorado Palm Springs* case.

The County's present Subdivision Ordinance, Section 21-128, prohibits MHP subdivisions, but this ordinance is pre-empted by the Subdivision Map Act, which not only provides for such subdivisions but also sets forth tenant protections when a rental MHP becomes a resident-owned MHP. If the County takes any action pertaining to MHP's, it either should be to repeal Section 21-128 or to focus solely upon imposing additional tenant protections upon conversions to non-MHP uses.

There simply is no legal basis for a moratorium, urgency ordinance or regular ordinance

applicable to conversion of a tenant-occupied MHP to one that is resident-owned because the County has no authority in this area, other than complying with the Subdivision Map Act.

Conclusion – Reject Any Urgency Ordinance That Would Stall Mountain View Homes Project

Because the Mountain View Homes subdivision has progressed so far at substantial expense, because the applicant has volunteered to submit to rent controls for existing occupants and to continue their leaseholds, and because there are no mobile home park conversions pending that would result in tenant displacement, we request that the Board reconsider any proposal for an urgency ordinance that would apply to Mountain View Homes. How can the Board justify an urgency ordinance when there is no imminent threat to affordable housing or to mobile home park tenants? Upon what legal basis can the Board attempt to assert additional authority over the Mountain View Homes project, beyond those already provided by law? How can the Board justify including in a moratorium or other similar restriction a project that guaranties the few occupants of this antiquated mobile home park occupancy for as long as they desire to remain, in full compliance with rent control ordinances or statutes? We request that the Board reject an urgency ordinance at this time so that the Mountain View Homes subdivision can be completed without delay.

If the Board is reluctant to forego or delay an urgency ordinance, we strongly urge that the Board either confine the ordinance to conversions of MHP's to non-MHP uses or *EXEMPT* the Mountain View Homes project from any ordinance delaying, restricting, or prohibiting subdivision of mobile home parks.

Sincerely,



Susan F. Petrovich
For HATCH & PARENT
A Law Corporation

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