

## Public Comment for BOS Hearing Agenda Item #2 - MH Park Closure Ordinance

Santa County Board of Supervisors:

The Planning Commission recommended draft contains many positive features found in the model ordinances. In rejecting staff's prior position, the Commission found that .  
*"Reasonable costs of relocation, as allowed for in California Government Code 65863.7, may include compensation to the mobilehome unit owner, at the fair market value of the mobilehome if it cannot be relocated to another site."*

Unfortunately, it also contains detrimental language changes that seriously weaken the ordinance.

One is in section 35.89.070.2.b, (line 1), words have been changed from "shall" in Attachment B presented to the 2/1/12 PC hearing to "may, at the discretion of the County, be required to" in the PC recommended draft. This changes the first part of the sentence to read *"The applicant may, at the discretion of the County, be required to buy the mobilehome and pay the "in-place" sale value, . . ."*

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This change would allow an applicant, without requesting an exemption, to be relieved of the requirement to pay "in-place" market value for the home that cannot be relocated, without which comparable housing could not be purchased. It would also allow the County to exercise its discretion using unspecified criteria, which could appear to be arbitrary.

The flexibility desired by the Planning Commission to deal with each closure application on a case-by-case basis is already provided for elsewhere in ordinance section 35.89.090 – Request for Exemption from Relocation Assistance Requirements.

The model ordinance language presented to the County and as contained in the Attachment B presented for the 2/1 PC hearing as an alternative to the staff recommendation makes the following expectation: The value of the MH park for the change of use for which closure is requested is adequate to pay all relocation costs including payment of in-place market value for homes that cannot be relocated. If such payment of relocation costs would present a hardship, the applicant may request an exemption under section 35.89.090 and provide financial information including the total cost of relocation assistance and the estimated value of the mobilehome park developed for the proposed change of use. This exemption section allows the County adequate flexibility to grant partial to full exemption in cases that exceed "reasonable costs of relocation."

Before adopting the PC recommended draft, the Board make the following change to the 2<sup>nd</sup> paragraph of 35.89.070 – **Conditions of Approval. A. Relocation or sale. 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."

These and other changes requested by homeowners are needed to bring the draft ordinance in line with the model ordinances throughout California, restoring key missing components. The burden of proof should be on the park owner requesting the closure, not on the homeowners threatened with closure through no fault of their own.

Sincerely,

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