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BOARD OF SUPERVISORS
COUNTY OF VENTURA
GOVERNMENT CENTER, HALL OF ADMINISTRATION
800 SOUTH VICTORIA AVENUE, VENTURA, CALIFORNIA 93009

January 8, 2008

Board of Supervisors
800 S. Victoria Ave.
Ventura, CA 93009

SUBJECT: DIRECTION TO STAFF REGARDING ADOPTION OF AN ORDINANCE GOVERNING SUBDIVISION OF MOBILEHOME PARKS

RECOMMENDATION:

Direct the Resource Management Agency, Planning Division, and County Counsel to prepare and present for adoption an ordinance modeled on Exhibit "B" and schedule it for hearings before the Planning Commission on January 31, 2008 and, thereafter, our Board.

FISCAL IMPACTS: Minor use of staff time and noticing expense.

DISCUSSION:

There are 22 mobilehome parks within the unincorporated area of Ventura County, with 1,250 spaces housing over 2,000 residents. The majority of these residents are senior citizens, and many, if not most, are lower income. Many mobilehome park residents also have special needs such as medical conditions, mobility issues, or other disabilities. Mobilehome parks provide an important stock of affordable housing in our County, serving both current and future residents, and assisting the County in meeting a State mandate to provide affordable housing for lower income residents. County General Plan Housing Preservation Goals and Programs identify mobilehomes, and call for preservation of, and assuring the affordability of, the existing affordable housing stock in the County as well as continuance of the County's Mobile Home Park Rent Control Ordinance.

Our Board has previously discussed the topic of mobilehome park subdivisions, and in particular the recent increase in park owner promoted "conversions to resident ownership" under Section 66427.5 of the Government Code. Last February, the Resource Management Agency recommended that our Board adopt as an urgency ordinance a moratorium on mobilehome park subdivisions to allow the Planning Division sufficient time to adopt ordinance amendments that

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would address the shortcomings of our existing ordinances that staff identified as needing revision in order to properly process these unique projects (RMA Board Letter, Exhibit "A"). While this urgency ordinance was supported by a majority of our Board, it did not garner the mandated 4/5ths vote.

All of Ventura County's mobilehome parks are at least 30 years old; some much older. In some parks, basic infrastructure, including sewer, water, and electrical facilities, is approaching the end of its expected service life. In some parks, safety infrastructure components such as fire hydrants/fire flow or adequately sized electrical systems simply do not exist. Our Ordinance Code currently lacks the terms to address these issues.

With respect to the economic impacts of conversion on existing residents, State law, court decisions, and statements of legislative intent provide guidance that cannot be adequately implemented by the County without an update of the Ordinance Code to incorporate these directives. The methodologies for conducting the required resident survey and preparing the required tenant impact report need to be specified in our Ordinance Code, as do standards for determining whether the proposed conversions are bona fide conversions to resident ownership and not sham transactions.

Other jurisdictions in the State have adopted moratoriums and ordinances to enact procedures and standards for processing and approving mobilehome park subdivisions. One of these jurisdictions was Sonoma County, which last year adopted first a moratorium, and later a permanent ordinance. Sonoma County's permanent ordinance was challenged in court, and was recently upheld by its Superior Court. (Exhibit "B" Sonoma Ordinance, and Exhibit "C" court decision)

The Sonoma Ordinance applies to "Conversions to Resident Ownership" except where map requirements are waived, such as park acquisitions by resident organizations. The proposed Ordinance would:

1. Implement local standards for the State-required Resident Survey;
2. Implement local standards for the State-required Tenant Impact Report;
3. Establish a procedure for identifying and rectifying any health and safety code violations or infrastructure deficiencies;
4. Establish standards and procedures for determining whether a proposed conversion to resident ownership is a bona fide conversion; and
5. Specify the requirements for providing tenants required notices and information about the proposed conversion.

Discussions with the County Counsel's Office and the Planning Division indicate that adapting the Sonoma County Ordinance to fit in the Ventura County Ordinance Code will be a fairly straight-forward task. The County Counsel's Office has review the Sonoma Ordinance, court decision, and this Board letter.

There is currently one pending mobilehome park conversion proposed for the unincorporated area of the County. Because that application was deemed complete several months ago and is for a Vesting Tentative Map, the proposed Ordinance would not apply to that pending project. However, adoption of this Ordinance would enable the County to properly address several anticipated applications for such conversions.

The proposed Ordinance will help assure that residents are adequately protected and the County's stock of affordable housing is preserved to the fullest extent permitted by law whenever mobilehome park owners propose to convert their parks to resident ownership under Government Code section 66427.5. Without our adoption of the proposed Ordinance, the County will not be able to fully assure that converted parks meet current health and safety standards, that our affordable housing stock is protected to the extent permitted by law, that any future conversions to resident ownership are truly bona fide, and that residents are adequately informed of their legal options.

Fortunately, another jurisdiction has done the work of drafting an ordinance and testing its adequacy in court. Adoption of the recommended action will help us to preserve affordable housing in Ventura County and protect vulnerable senior and low income persons from sham park conversions. I urge you to support the recommended action.

Cordially,

Steve Bennett

Steve Bennett
Supervisor, First District

Kathy I. Long

Kathy I. Long
Supervisor, Third District

Attachments