

MINUTES

MOBILEHOME COMMISSION MEETING

July 23, 2009

Elena Baskin Live Oak Senior Center

COMMISSIONERS PRESENT: Jean Brocklebank, 1st District
Henry Cleveland, 2nd District
Mardi Brick, 3rd District
William Neighbors, 4th District
Carol Lerno, GSMOL Representative
Bonnie Lund, WMHA Representative

COMMISSIONERS ABSENT: Rick Halterman, 5th District

BOARD OF SUPERVISOR LIAISON: Absent

COUNTY COUNSEL: Marie Costa

SECRETARY: Lee Ann Shenkman

LEGISLATIVE REPORT: Jerry Bowles

I. CALL TO ORDER/ ROLL CALL/APPROVAL OF JUNE MINUTES

Chair Henry Cleveland called the meeting to order at 9:30 A.M. There were 10 members of the public in the audience. The minutes of the June 25, 2009, meeting were reviewed and upon motion by Commissioner Lerno, seconded by Commissioner Neighbors, the June 25, 2009, minutes were approved.

II. BUSINESS

A. Commissioner Reports

Commissioner Brocklebank reported that Central Coast Energy Services (CCES) will have a clinic for a free weatherization program at Yacht Harbor Manor on August 4, 2009. The clinic is for the residents of Yacht Harbor Manor. Every park can set up the same type of meeting with CCES.

Commissioner Cleveland reported that two buses went from Santa Cruz to Sacramento for AB566 lobbying the Senate Select Committee, particularly Senator Simitian, to vote to get it out of the Senate Committee. Commissioner Cleveland commends everyone who contacted Senator Simitian's office about that legislation. The Senator's aide said the office received hundreds of calls and the residents' presence at the Senator's office was well received. Also, as a reminder of procedures for the Mobilehome Commission meetings, a "Summary of Procedures for Motions & Meeting Rules" was distributed today to each Commissioner.

Commissioner Neighbors reported that the residents of Monterey Vista Mobilehome Estates litigated their attempt to purchase the park from the park owner; however the residents lost their case. The case went through the appellate court but was denied hearing by the California Supreme Court.

Commissioner Brick provided, for informational purposes only, a statement she received from a resident in a park in Soquel who is concerned about tax assessments. The taxation of mobilehomes is addressed in the State Board of Equalization regulations. Applications for reducing assessed property values are available online or at the Assessor's Office.

Commissioner Lerno reported that it seems there are more burglaries in the area where she lives; this is a neighborhood problem, there is not an increase in burglaries in her park. The Sheriff's Department recommends the formation of more neighborhood watch groups.

B. Discussion of Notification that Mobilehome Commission Meetings are Recorded

Commissioner Brocklebank recommended that an announcement should be made at the beginning of each Mobilehome Commission meeting and a statement on the agenda should be written stating that the Commission meetings are recorded. Upon motion by Commissioner Neighbors and a second by Commissioner Lund, the motion was approved.

C. Legislation

Commissioner Cleveland reported that buses went from Santa Cruz to Sacramento twice; the second time they were met by buses from two other counties (resulting in about 100 mobilehome advocates) which crowded into the Senate Transportation Committee. They spoke before the Committee, which resulted in getting the bill out of Committee onto the floor. The bill now says that local jurisdictions can take into account resident support of a conversion. Previously, the park owner was required to survey the residents there were no specifics regarding the survey; if the survey was completed, the local jurisdiction had to accept it and approve the map. Now a local jurisdiction can consider whether residents support it.

Jerry Bowles updated the Commission on the following bills (any bill where he states it is the third reading, that bill will next go to the governor if the bill passes):

SB 23 (Padilla) – Park Emergency Preparedness and Evacuation Plans: in Assembly Appropriations Committee; it probably will not be heard until legislators return from recess. If they pass the State budget today, the legislators can go on recess tomorrow and be back August 18, 2009.

SB 46 (a new bill): normally a bill takes about four months; this bill, however, was introduced on June 18th and read for the first time, and went to the governor on July 1st. This bill has to do with increasing the HCD registration fees and permit to operate fees. These fees will probably be passed on to residents.

SB 111 (Correa) – The Mobilehome Residency Law (MRL) Reorganization: this bill is in the Assembly for the third reading and then it will go to the governor. This bill will be heard today.

SB 120 (Lowenthal) – Notice of Termination of Utilities in Master-Meter Parks: This bill provides that a regulated utility corporation, as well as a public utility district, providing heat, light or power, must notify renters, including occupants of master metered multi-unit dwellings and mobilehome parks, by mail as well as posting, of the termination of utility service due to the fact the landlord or park failed to pay the utility bill, 15 days prior to termination of utility service. This bill is in the Senate Appropriations Committee and will probably be heard after the recess.

SB 166 (Runner) - Special Occupancy Parks: this bill has to do with RV's and the reason it is mentioned here is that there are a few parks that have both RV as well as mobilehome spaces. This bill would affect these parks. The bill is in the Special Consent Calendar to be heard today.

SB 183 (Lowenthal) - Carbon Monoxide Alarms: this bill will be heard in the Assembly for a third reading today.

SB 224 (Correa) – CalHome and CHFA Housing Programs: this bill is in the Special Consent Calendar to be heard today.

SB 251 (Sen. Trans. & Housing Committee) – 2009 Omnibus Housing Bill: this bill is in Senate Unfinished Business to be considered today.

SB 290 (Leno) - Conventional Tenancies – 60-day Notice of Termination: this bill has to do with a 60 day notice of termination; it will be heard today and it is the third reading; this bill removes the January 1, 2010, sunset.

SB 398 (Correa) – Fire Code Enforcement in Mobilehome Parks: this is in the Assembly for a third reading to be heard today. The bill clarifies that a fire district has authority to enforce the fire prevention codes in a mobilehome park if delegated by the local enforcement city or county agency that has jurisdiction to enforce the Mobilehome Parks Act in parks. Mr. Bowles will notify the Office of County Counsel if this bill passes, and Ms. Costa will then send notice of this bill to HCD and the local fire districts and fire chief associations.

SB 542 (Wiggins) – Solar Energy Programs, Multi-Unit and Manufactured Housing: this has been amended so that if someone wants to put a solar system on their home, the manufacturer of that home will be taken into consideration under Title 25 for weight and strength. This bill is in Senate Appropriations; it will probably be taken up after the recess.

SB 804 (Leno) – Mobilehome Sales: Replacement Homes in the Park: this bill prohibits park management from requiring that a homeowner who is replacing his/her home in the park to use a specific manufacturer or dealer; this went to the governor on July 16, 2009.

AB 481 (Ma) – Rent Control/Principal Residence: this is a two-year bill.

AB 761 (Charles Calderon) – Mobilehome Park Rent De-Control: in the Senate Rules Committee for assignment. They are looking for a committee to hear it.

AB 869 (Mendoza) – Park Manager Certification: this is a two-year bill.

AB 880 (Niello) - Prefabricated Panelized Homes – Contractor's License: this is in the Appropriations Committee being held in suspense file; this means they are not yet ready to take it up or the author does not have all the information to take it up.

AB 1059 (Silva) – Mobilehome Park Conversion & Relocation – Bankruptcy: this is in an inactive file on the Senate side; it probably will not be heard until after the first of the year.

AB 1061 (Lieu) - Common Interest Developments (CID) – Water Conservation: this has to do with resident owned parks; it is in the Senate Judiciary and probably won't be heard until after the recess.

AB 1108 (Fuentes) – Park Master Meter Utilities: this is in the Senate Appropriations Committee.

AB 1474 (Cook) – Mobilehome Sales Tax Exemption: this bill is in the Suspense File in the Assembly Appropriations Committee.

Legislative bills can be found on the following websites: <http://sinet2.sen.ca.gov/mobilehome/> and also at www.leginfo.ca.gov. Also, Jerry Bowles informed the Commission that anyone can sign up for the GSMOL Legislative Update Newsletter by going to the GSMOL website or call GSMOL and they will email it.

D. County Counsel Report

No report.

E. County Supervisor Report

No report.

F. Public Hearing on Reasonable Rate of Return on Capital Improvements (Santa Cruz County Code Section 13.32.092) and Annual Recommendation to the Board of Supervisors

The public hearing was opened at 10:15 A.M. Every year, required by the County Code, the Commission holds a public hearing to establish a fair rate of return for capital investments under the County's rent control ordinance. The County has been at 12% for many years. Commissioner Lerno made a motion to set the reasonable rate of return at 12% for the coming year; Commissioner Brocklebank seconded. Discussion clarified that this is 12% per annum. All approved. Public hearing closed at 10:20 A.M.

III. CORRESPONDENCE

A. Draft Letter to the Board of Supervisors Requesting Notification to Mobilehome Residents of Installation of New Mobilehomes

This letter requests that the Board of Supervisors encourage the Department of Housing and Community Development (HCD) to require notification to nearby residents when a new mobilehome is going into a space. Commissioner Brick made a motion to approve the letter; Commissioner Brocklebank seconded. Discussion was opened. There is concern that enforcement of this would be difficult because many times the resident receiving the new home does not know when the home will be delivered. There is a lack of communication between the adjacent residents and the person authorizing installation of a new mobilehome. The motion was modified to include authorizing County Counsel to modify the letter to include suggesting that HCD include in Title 25 the notification requirement to neighbors when a new mobilehome is brought into a park. This would include the requirement that HCD signoff that a public meeting has been held before a permit is issued. Commissioner Brick made the motion to modify, Commissioner Brocklebank seconded; motion carried.

B. Draft Letter to the Board of Supervisors Recommending Reasonable Rate of Return for Qualified Mobilehome Park Capital Improvements Remain at 12%

IV. COMMUNITY INPUT

A resident of Vista del Lago Mobilehome Park in Scotts Valley reported that four residents from that park went on both trips to Sacramento to speak to the Senate Transportation Committee regarding AB 566. Also, at least 10-15 residents from that park wrote letters.

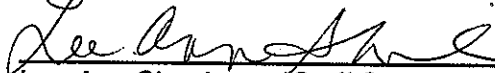
A resident from Shoreline Mobilehome Park informed the Commission that a large group of residents went to Sacramento to support groups that are having sham conversion problems, even though Shoreline is not having problems. Commissioner Brocklebank thanked the Shoreline residents and park owner, Bonnie Lund, for their support.

Commissioner Neighbors requested that next month's agenda include discussion regarding the layoff of Lee Ann Shenkman's position and that she may be leaving the Commission as Secretary due to layoff; he would like the Commission to look into this issue.

V. ADJOURNMENT

The meeting was adjourned at 10:28 A.M. The next meeting will be August 27, 2009.

Respectfully submitted,



Lee Ann Shenkman, Staff Secretary to the
Mobilehome Commission

Approved: 