

**OFFICE OF THE CITY ATTORNEY
ANTIOCH, CALIFORNIA**

FOR CONSIDERATION AT THE COUNCIL MEETING OF NOVEMBER 28, 2006

TO: Honorable Mayor and Members of the City Council

DATE: November 22, 2006

SUBJECT: Mobile Home Park Issues: Agreement with Vista Diablo Mobile Home Park or Mobile Home Rent Control Ordinance

RECOMMENDATION:

The recommendation is that the City Council accept the report and to continue the matter until December 19, 2006. The Mayor, City Manager and City Attorney participated in a conference call with Abe Arrigotti and the two partners of Kort and Scott. In addition, the Mayor, City Manager and City Attorney met with representatives from the residents of Vista Diablo Mobile Home Park. The parties agree that time for further discussions would be beneficial.

BACKGROUND:

At the Council meeting on October 24, 2006, the City Council heard from residents of Vista Diablo Mobile Home Park about two primary concerns: 1) the Park management's notification to residents of a plan to convert the park from a senior only park to a family/all-age park; and 2) the increasing rents. Abe Arrigotti, President of Sierra Corporate Management, was also present and indicated that the Park ownership had reconsidered the decision to convert from a senior park and indicated that the rents were based on what the market would bear as the value of the mobile home was in the land and not the motor coach itself.

After hearing the testimony, the City Council generally expressed concern about the possible loss of this important component of affordable senior housing in the community. Staff was directed to work with the Park management on a voluntary agreement to address the concerns expressed, but also to look into adopting a mobile home rent control ordinance (based on the City Concord's ordinance) if those discussions were not productive with the matter being brought back to the Council by its meeting on November 28, 2006.

The information shown as attachment A was subsequently provided to the City regarding the desires to the residents; refinancing of the Park; and lawsuits against the Park owners.

DISCUSSION:

Agreement regarding Vista Diablo Mobile Home Park

After several attempts to set up a meeting or conference call, the Mayor, City Manager and City Attorney had a conference call on November 17, 2006 with Mr. Arrigotti and the two partners of Kort and Scott: Lee Kort and Michael Scott. The call was productive in understanding the positions of the parties. The key points discussed were:

1. Conversion from a senior park to an all-age/family park – At this point, the Park owners have agreed not to convert the park to an all-age/family park; however, the question remains as to the duration of this commitment.
2. Rent increases – The City has indicated concerns about the amount of the rent and the rent charged current residents whose leases expire. The residents have also indicated their belief that the rent should include sewer, water and garbage. The Park owners are opposed to cancellation of the current leases or rents, but have indicated a willingness to provide a rental assistance program to those who qualify and to reconsider the rents for current residents whose leases expire and new residents.
3. Upgrades to the Community Center – The Park ownership has also agreed to meet with the residents regarding some cosmetic remodeling of the clubhouses. The residents have also indicated that the cement block wall along Somersville Blvd. needs to be repaired.
4. Address situation of Irma Casteen and Freda Hargrove -- The Park ownership is looking into the individual situations brought to the City's attention.

Ordinance

Mobile home rent control is often quite litigious both when an ordinance is adopted and whenever a proposed rent control increase is denied. Accordingly, a law firm well versed in handling mobile home rent control matters (McDonough Holland & Allen), a consultant in this field (Ken Baar) and the City of Concord have all been consulted. With their expertise, the following steps necessary for adopting and implementing such an ordinance are outlined:

1. Survey the mobile home market for data on vacancies, rents, etc. (in process);
2. Prepare a draft ordinance based on the City of Concord's model with decision points for the Council's consideration (in process);
3. Consider fees, staffing and other implementation measures for the ordinance;
4. If directed by Council, present a final ordinance with appropriate environmental review for consideration.

CONCLUSION:

As directed by the City Council, staff continues to proceed along parallel tracks: negotiation of an agreement with the ownership of Vista Diablo Mobile Home Park and if that is not successful, then preparation of a mobile home rent control ordinance for the Council's consideration. Those cities that have adopted mobile home rent control ordinances have found them to be both expensive to implement and the subject of on-going litigation. If there is a way to meet the objectives of all of the parties short of adopting such an ordinance, then the recommendation is to continue the matter and explore such an approach.

ATTACHMENTS:

- A. Information from the Vista Diablo Mobile Estates Park residents dated November 7, 2006

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City Attorney