

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Environmental Resources *SKH*

BOARD AGENDA # B-7

Urgent Routine

AGENDA DATE October 28, 2008

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Introduce and Waive the First Reading of an Ordinance Relinquishing Responsibility for Enforcement of the Mobile Home Parks Act and the Special Occupancy Parks Act and Repealing in its Entirety Chapter 16.100 of the Stanislaus County Code Relating to Mobile Home Parks

STAFF RECOMMENDATIONS:

1. Introduce and waive the first reading of an Ordinance relinquishing responsibility for enforcement of the Mobile Home Parks Act and the Special Occupancy Parks Act and repealing in its entirety Chapter 16.100 of the Stanislaus County Code relating to mobile home parks.
2. Authorize the Director of the Department of Environmental Resources (DER) to notify the California Department of Housing and Community Development (HCD) of the County's relinquishment of its responsibility to enforce the Mobile Home Parks Act and the Special Occupancy Parks Act.
3. Authorize the Director of the Department of Environmental Resources to remit mobile home park fees and transfer all mobile home park records to HCD in accordance with California Code of Regulations, Title 25, Article 1, section 1005.

FISCAL IMPACT:

The Department of Environmental Resources (DER) spends approximately \$60,000 per year administering the County's mobile home parks program and receives approximately \$20,000 in off-setting revenue from fees established by the California State Legislature. This has resulted in an annual program deficit of approximately \$40,000 for administration that has historically been absorbed by the Department's operating budget.

(Fiscal Impact Continued on Page 2)

BOARD ACTION AS FOLLOWS:

No. 2008-744

On motion of Supervisor Monteith, Seconded by Supervisor O'Brien
and approved by the following vote,

Ayes: Supervisors: O'Brien, Monteith, and Vice-Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: Grover, and Mayfield

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION: INTRODUCE AND WAIVE THE FIRST READING OF ORDINANCE C.S. 1046

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-I- 2

FISCAL IMPACT (Continued):

If staff's recommendation is approved by the Board of Supervisors, DER will be required to remit unused monies to HCD, which were collected pursuant to the State's Mobile Home Park Maintenance Inspection Program. Approximately \$7,000 will be remitted with a final accounting due in November.

DISCUSSION:

On April 10, 1962, the Board of Supervisors exercised its option to assume inspection and enforcement of the Mobile Home Parks Act and Special Occupancy Parks Act by adopting Board Resolution 62-310, which transferred the mobile home parks program to Stanislaus County on April 16, 1962. In the late 1980's, the State created a Mobile Home Park Maintenance Inspection Program, which was written into their regulations and adopted into law in 1990 and later revised in 2000. The program mandates enforcement agencies to inspect at least 5% of their mobile home parks per year with an emphasis on addressing parks with recognized health and safety issues.

Over the years, the enforcement responsibilities have been transferred amongst County departments and currently DER is the lead enforcement agency. Previously, one full time Inspector staffed the program but due to staffing changes the Code Enforcement Manager currently administers the program. County staff currently spends approximately 1,000 – 3,000 staff hours per year responding to complaints and researching issues at an estimated annual cost of approximately \$60,000. Stanislaus County collects approximately \$20,000 in annual fees, of which, approximately \$7,000 is collected for the State (HCD). Currently, \$3,665 has been collected in revenues for 2008, of which, \$1,145 was collected on behalf of HCD and given to the State.

The Mobile Home Parks Act requires that all enforcement agencies respond to mobile home park complaints and oversee permitting processes. These responsibilities include but are not limited to ensuring mobile home parks comply with fire suppression requirements before issuing annual operator permits, permits for the installation or modification of new mobile homes, the expansion or modification to parks, utility installation or upgrades, constructing decks, carports or other accessory structures on individual lots and addressing maintenance and zoning issues. Field inspections are lengthy and involve multiple agencies preparing field reports and researching issues, inputting data and the potential for multiple re-inspections.

The Mobile Home Park Maintenance Inspection Program mandates require staff to meet with mobile home park owner(s) and residents to explain inspection processes; show informational videos provided by HCD; post notice(s) of pending inspections not less than 30 days nor more than 60 days prior to inspections and distribute inspection booklets to each resident. Inspections are conducted with the assistance of staff from the Department of Planning and Community Development, the Department of Environmental Resources, the Department of Public Works and other State and Federal agencies. Inspections include all individual lots, residences, accessory structures, lot identification, all common areas, all park buildings and equipment, separation and setback requirements, fire hazards, rubbish and other health and safety issues. Violation notices are issued to

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the tenants and park owners, and then follow-up inspections are conducted until the violations are corrected.

DER recently evaluated the program responsibilities, which included a review of the State mandates contained within the Mobile Home Parks Act and the financial sustainability of the administration of the program. DER concluded it would take the equivalent of three full time positions comprised of staff from the Departments of Environmental Resources, Planning and Community Development, Public Works and the Fire Warden's Office at an estimated annual cost of \$195,000 - \$240,000 to properly administer the program. Additionally, revenues do not cover legal expenses related to enforcement of the program.

DER has discussed returning the mobile homes parks program with the State and HCD personnel. If the County relinquishes oversight, HCD will be the primary responders to septic emergencies occurring during business hours and DER staff will respond after hours or at the request of HCD. Since DER already has on-call staff assigned to respond to after hour's septic emergencies, the administrative change won't impact park residents and park owners will only be billed for verified complaints. DER will also continue issuing permits for septic tank installations and repairs and will continue to perform site plan check reviews for septic setback purposes. In addition, DER will retain oversight of small public water systems.

DER hosted a public workshop on October 2, 2008 to discuss reverting the administration of the mobile home parks program back to the State (HCD). The workshop was attended by 10 park representatives, the Department of Environmental Resources, the Department of Planning and Community Development and HCD. Concerns with the proposed administrative shift primarily focused on the availability and accessibility of HCD, response time(s) to complaints, obtaining permits, conducting inspections and the flexibility of inspectors. HCD staff present at the meeting responded that their field inspectors live near their assigned areas and work from their homes and are required to respond to non-emergency matters within 24 hours. Permits are available during business hours and inspections can be scheduled directly with their assigned field inspectors by calling them on their cell phones or making arrangements through their main office. The attendees were receptive to the County's budgetary concerns and the majority agreed that the program should be returned to the State.

DER recommends returning the mobile home parks program to HCD. The State Legislature establishes the fees that can't be increased without legislative approval, and DER doesn't have any other sources to fund this program. The program is under funded and State mandates require more staff hours than are recoverable through fees. Consequently, returning the program to the State will result in cost-savings to the County and eliminate County fees for park owners. Mobile home park owners will still be required to pay State scheduled fees. In addition, permits will be obtained solely through HCD.

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POLICY ISSUE:

The Board of Supervisors should determine if transferring the enforcement authority of the Mobile Home Parks Act and the Special Occupancy Parks Act from the Department Of Environmental Resources to the California Department of Housing and Community Development is consistent with the Board's priorities of a safe community, a healthy community and efficient delivery of public services.

STAFFING IMPACT:

Returning enforcement responsibility to the State would allow the Code Enforcement Manager to focus efforts and oversight on the unit's core functions.

ORDINANCE NO. C.S. _____

AN ORDINANCE RELINQUISHING RESPONSIBILITY FOR ENFORCEMENT OF THE MOBILE HOME PARK ACT AND THE SPECIAL OCCUPANCY PARKS ACT AND REPEALING IN ITS ENTIRETY CHAPTER 16.100 OF THE STANISLAUS COUNTY CODE RELATING TO MOBILE HOME PARKS

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA ORDAINS AS FOLLOWS:

Section 1. Pursuant to California Health and Safety Code section 18300 subd. (e) and Cal. Code of Regulations Title 25, Article 1, section 1005, the County of Stanislaus hereby relinquishes responsibility for enforcement of the Mobile Home Park Act and the Special Occupancy Parks Act, as found in Parts 2.1 and 2.3 of Division 13, of the California Health and Safety Code and the provisions of Title 25, California Code of Regulations, Division 1 Chapters 2 and 2.2, to the California Department of Housing and Community Development.

Section 2. Chapter 16.100 of the Stanislaus County Code is hereby repealed in its entirety.

Section 3. This ordinance shall take effect 30 days from and after the date of its passage and before the expiration of 15 days after its passage it shall be published once, with the members voting for and against the same, in the Modesto Bee, a newspaper published in the County of Stanislaus, State of California in accordance with Government Code section 21124(b)(1).

Upon motion of Supervisor _____ seconded by Supervisor _____, the foregoing Ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this ____ day of _____, 2008, by the following-called vote:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

Jim De Martini, Vice-Chairman
of the Board of Supervisors of the
County of Stanislaus, State of California

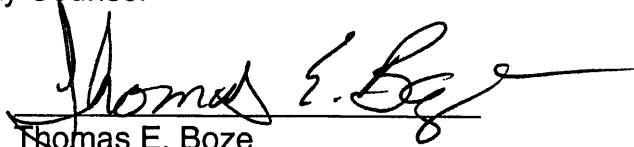
ATTEST:

CHRISTINE FERRARO TALLMAN, Clerk of the
Board of Supervisors of the County of Stanislaus,
State of California

By _____
Liz King, Deputy Clerk

APPROVED AS TO FORM:

JOHN P. DOERING
County Counsel

By 
Thomas E. Boze
Deputy County Counsel