

Comments to Agenda Item 3, September 19, 2023. Ordinance Amending Chapter 9.28 of the Sebastopol Municipal Code; Mobile Home Rent Stabilization

The park ownership is very disappointed and concerned with the rent control amendment vote of 9/5. We understand and sympathize with the economic challenges of elderly park residents. However, the very strict rent control of 3% and 75% of CPI will make the long term economics of owning and operating this park very difficult.

It is unclear why the council decided to make this amendment even more stringent than the staff recommendation, and more stringent than other local municipalities, thus making the economics for the owner family even more challenging.

We suggest that the Council give further consideration to the rent control amendment. The changes will not allow owners of the Fircrest Mobile Home Park to balance income with expenses long term, as inflation and CPI index fluctuate.

Goal 5, Policy B-4 of general plan: "Sebastopol will encourage continued operation of the privately-owned Fircrest Mobile Home". These new financial constraints go against this policy.

Ordinance (4): Provide mobilehome park owners with a guaranteed rate of annual space rent increase which accurately reflects the rate of inflation and increases in their expenses. These new financial constraints go against this ordinance.

As far as the "true and correct" recitals go:

#21: The 2023 Fircrest rent increase is 2.9%. In September 2023, tenants are not facing the highest rents since the original ordinance was adopted.

#32: How does this amendment provide owners a fair return?

#34: How is this an emergency response? CPI and inflation have moderated.

Recitals repeatedly mention evictions. Evictions are a very rare occurrence at Fircrest.

The new limitations on rent increases may fail to meet the constitutional test of ensuring the property owner receives a fair rate of return as required by the California Supreme Court decision: "...Constitutional Deficiencies in Charter Amendment's Provisions for Fixing Maximum Rents [17 Cal.3d 165].

The ordinance imposes an unwarranted burden on the park owners to subsidize each and every resident regardless of need. The ordinance fails to establish which residents(s) are truly in need as opposed to those who simply enjoy lower rent increases. Did the Council or any public agencies advise residents that there are resources and programs for those who would qualify for public assistance that is needs based? A public welfare program should be the responsibility of the city as a whole. The cost should not be on the shoulders of the Musser family.

We believe that this action and the severe restriction of this changed ordinance is a gradual public taking of private property.

This amendment was rushed. The council did not form an ad hoc committee, as recommended by the city manager and requested by ownership. This committee would have provided ownership a vehicle for conversations with council members.

Was it correct for a city council member suggest to park residents in April that they contact the city attorney Larry McLaughlin to "run the petition wording by Larry to be sure the language is right" before submitting to the City Council?

Thank you for your consideration of these points.

Musser Family