

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: EXECUTIVE OFFICE

SUBMITTAL DATE: April 3, 2001

SUBJECT: Response to Grand Jury Report: Coachella Valley Agriculture Housing

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve, with or without modifications, the attached response to the Grand Jury's recommendations regarding the Coachella Valley Agriculture Housing.
- 2) Direct the Clerk of the Board to immediately forward the Board's finalized response to the Grand Jury, to the Presiding Judge, and to the County Clerk-Recorder (for mandatory filing with the State).

BACKGROUND: On January 30 the Board directed staff to prepare a draft of the Board's response to the Grand Jury's report regarding the Coachella Valley Agriculture Housing.

Section 933(c) of the Penal Code requires that the Board of Supervisors comment on the Grand Jury's recommendations pertaining to matters under the control of the Board, and that a response be provided to the Presiding Judge of the Superior Court within 90 days.

TONY CARSTENS
Deputy County Executive Officer

Attachments

FINANCIAL DATA:	N/a	
CURRENT YEAR COST \$		ANNUAL COST \$
NET COUNTY COST \$		IN CURRENT YEAR BUDGET:
		BUDGET ADJUSTMENT: FOR FY:

SOURCE OF FUNDS:

C.E.O. RECOMMENDATION: APPROVE

County Executive Officer Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Wilson, seconded by Supervisor Mullen and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Venable, Wilson and Mullen

Noes: None

Absent: None

Date: April 10, 2001

xc: E.O., Grand Jury, E.O., Presiding Judge, Co.Clk. Recorder(2), Deputy
EDA, Bldg. & Safety

Gerald A. Maloney
Clerk of the Board

By: Deputy

3.7

Department Recommendation: Consent Policy
Per Executive Office: Consent Policy

SPECIFIC FINDINGS AND RECOMMENDATIONS

ENVIRONMENTAL AND DEVELOPMENT

COACHELLA VALLEY AGRICULTURE HOUSING

FINDINGS:

FINDING:

1. ***Three hundred and twenty one un-permitted parks have been identified and located and about 90% have 12 or fewer spaces. Fifty five of these parks have been inspected and cited for violations, and 12 have been permitted.***

RESPONSE:

- Respondent agrees with the finding.

Note: the total number of un-permitted parks remains unknown to us. By the very nature of the problem as outlined in the "Background" portion of the report, the number of parks continues to grow.

FINDING:

2. ***No priority is placed on inspection schedules to determine facilities with the most critical safety and health violations.***

RESPONSE:

- Respondent disagrees wholly with the finding. Explain the disagreement:

Code Enforcement has always prioritized complaints as potentially life threatening, non-life threatening but affecting a larger segment of the local community, or as routine. The highest priority has been placed on those matters determined to be "life threatening." Currently we are inspecting the identified parks in a geographically based systematic manner. As inspections reveal dangerous and exigent circumstances they are dealt with immediately. Non-life threatening conditions are noted and catalogued.

FINDING:

3. ***The Task Force is led by County Code Enforcement and includes representatives of the State of California Department of Housing and Community Development (HCD), and the California Rural Legal Association (CRLA).***

RESPONSE:

- Respondent agrees with the finding.

FINDING:

4. ***If the facilities house fewer than five employees, the responsibility for inspection and supervision belongs to County Code Enforcement and does not qualify as employee housing. If the facility is found to have five or more employees, inspection is performed by both HCD and County Code Enforcement. Both agencies then create a separate report. The parks that have more than 12 spaces and house a large percentage of farm workers are excluded from this program. The exempt privileges and loan opportunities are not afforded to them. This creates a different standard for inspection and permitting.***

RESPONSE:

- Respondent agrees with the finding.

Note: this point requires further clarification. The larger parks (those that have more than twelve spaces) are not exempt from zoning requirements, but they are still eligible for the loan program. While it is true that both agencies (HCD and County Code Enforcement) prepare separate and distinct reports, this is necessary due to the possible changing status of the facility (i.e. employee housing to mobile home park or vice versa). We disagree with the statement that parks that have twelve or more spaces are excluded from the program, as mentioned above.

FINDING:

5. ***Enforcement is slowed or stopped when an owner expresses intent to comply and/ or begins the loan process.***

RESPONSE:

- Respondent agrees with the finding.

FINDING:

6. ***Eviction is not considered due to the lack of facilities in which to house the displaced persons.***

RESPONSE:

- X Respondent disagrees wholly with the finding. Explain the disagreement:

Code Enforcement undertakes the appropriate response for exigent conditions up to and including displacing and relocating. The preference is to shelter in place and to effect the necessary repairs. The task force is currently working with various agencies to provide temporary housing.

FINDING:

7. ***Violations that present imminent health and safety threats to the residents or the general public are known as "A" violations and must be corrected within three days.***

RESPONSE:

- X Respondent disagrees wholly with the finding. Explain the disagreement:

Code Enforcement will take all necessary actions required to abate a life threatening (exigent) condition from the time they are made aware of that condition and before they leave for the day. If necessary, they seek assistance in the relocation of the affected families. If the conditions are a serious violation but not life threatening, a three or five day notice will be issued. The "A" classification is confusing and not used by County Code Enforcement

FINDING:

8. ***For other deficiencies known as "B" violations, a 30 Day Notice will be issued to the park owner or the home owner after the park has been inspected.***

RESPONSE:

- X Respondent disagrees partially with the finding. Explain the partial disagreement:

The 30 day notice is known as a "Notice of Violation," which serves as the beginning of "due process." Code Enforcement does not use the "B" classification as it is confusing.

FINDING:

9. ***The bilingual ombudsman, loan officer, and staff of the Economic Development Agency (EDA), Agricultural Housing Program provides loan application and other assistance to park and home owners in acquiring necessary funding to achieve compliance.***

RESPONSE:

Respondent agrees with the finding.

FINDING:

10. ***If the park operators or home owners demonstrate reasonable progress toward compliance, no further action will be pursued and no abatement costs will accrue.***

RESPONSE:

Respondent agrees with the finding.

FINDING:

11. ***Failure to demonstrate reasonable progress within the allocated period of time will result in commencement of the abatement process. This will include notification to the County Counsel, HCD, County Building and Safety Department, and the community partners(e.g., CRLA, Catholic Charities).***

Respondent agrees with the finding.

RECOMMENDATIONS:

RECOMMENDATION:

1. ***Health and safety being the primary goal, one member of the Task Force must have the responsibility for prioritizing the 321 parks by a visual walk through inspection so the Task Force Inspectors are made aware of the critical properties that need immediate attention.***

RESPONSE:

- The recommendation has been implemented. Provide a summary regarding the implemented action:

This role, as provided for by State law, belongs to HCD whenever a park is deemed to qualify as employee housing. In all other cases this role is the responsibility of the local Building Official and his staff, the Department of Building and Safety. This recommended division of duties has been accomplished by the Task Force.

RECOMMENDATION:

- 2. All agriculture trailer parks with 12 or fewer spaces should be considered Employee Housing and inspection should be the responsibility of HCD.**

RESPONSE:

- The recommendation has been implemented. Provide a summary regarding the implemented action:

County Code Enforcement works in conjunction with HCD to insure the proper permitting of Employee Housing facilities.

RECOMMENDATION:

- 3. Clearly define to those owners what procedures are necessary to bring their noncompliant property up to code and what help is available to assist them in achieving compliance.**

RESPONSE:

- The recommendation has not yet been implemented, but will be implemented in the future. Provide a time frame for implementation:

During the next fiscal year.

RECOMMENDATION:

- 4. The HCD inspector should be the lead member of the Task Force with the County Code Enforcement supervising and issuing necessary citations. Violation standards should be agreed on by both agencies.**

RESPONSE:

- The recommendation will not be implemented because it is not warranted or is not reasonable. Explain:

HCD has jurisdiction over State recognized Employee Housing Facilities and Riverside County has jurisdiction over all other parks, land use, and building code enforcement violations.

RECOMMENDATION:

5. ***Written reports to be the responsibility of HCD with copies to County Code Enforcement.***

- The recommendation will not be implemented because it is not warranted or is not reasonable. Explain:

Each jurisdiction has separate authorities to report to and legal remedies. Building and Safety encourages close coordination between jurisdictions; according to the proposed Policies and Procedures for the Task Force, information obtained by one member is to be shared with other Task Force members.

RECOMMENDATION:

6. ***Initiate a system that would require all data to be recorded in a computer program and shared by the entire Task Force.***

RESPONSE:

- The recommendation has not yet been implemented, but will be implemented in the future. Provide a time frame for implementation:

During the next fiscal year.

RECOMMENDATION:

7. ***Immediate provisions should be made to relocate persons living in facilities found to have "A" violations (life and health threatening) until these violations have been corrected. If county or state housing is unavailable in the area, then some arrangement should be made for reasonable housing with the private sector (hotel, motel, etc.).***

RESPONSE:

- The recommendation has been implemented. Provide a summary regarding the implemented action:

Although there are no "A" violation categories, exigent circumstances are dealt with immediately. County Code Enforcement works with various housing agencies to seek temporary shelter. It is critical to understand that if conditions are so egregious, the lack of alternative housing may not stop the summary abatement process.

RECOMMENDATION:

8. ***Designate a Code Enforcement Inspector whose primary responsibility must be a timely follow-up of all citations (A&B) to assure compliance within the specified time.***

RESPONSE:

- The recommendation has been implemented. Provide a summary regarding the implemented action:

Building and Safety has designated Supervising Code Enforcement Officer Garry Shopshear as the individual primarily responsible for the timely follow-up of all actions.

RECOMMENDATION:

9. ***Appoint a representative from CRLA to follow up on all parks or individual homes to ensure that owners and tenants understand inspection procedures.***

RESPONSE:

- The recommendation has been implemented. Provide a summary regarding the implemented action:

Two (2) committees have been formed to encourage community representation and participation in the County of Riverside established program procedure practices. These two (2) committees include the following:

1. **Review Committee**
The Review Committee, a subcommittee of the larger Mobile Home Park Task Force, has been given formal fourth (4TH) district advisory council status by the Riverside County Board of Supervisors. David Saldivar of the California Rural

Legal Assistance League (CRLA) currently chairs this committee. The Review Committee is to provide oversight of EDA and TLMA program procedures in park and tenant inspection, permitting and lending. This Review Committee is also charged with representation of park owners and tenants to ensure equitable due diligence by the County of Riverside. This Review Committee shall also receive and review complaints by park owners and tenants and report to the Board of Supervisors.

2. Code Enforcement Task Force

CRLA is a participating member of the established Code Enforcement Task Force. Other members of the Task Force include Economic Development Agency (EDA), Catholic Charities, County Housing Authority, State Department of Housing and Community Development (HCD) and County Code Enforcement. This Task Force is responsible for continued site inspections of mobile home and Polanco parks to determine citations or continued operations. CRLA is specifically represented for the purpose of ensuring equitable and legal treatment of park owners and tenants in the County's pursuit to provide safe and sanitary housing. Park tenants receive relocation assistance and advise on program procedures via representation from EDA, Housing Authority and Catholic Charities. HCD representation provides a determination as to the level of habitability of the mobile home units should this determination be within HCD's jurisdiction:

RECOMMENDATION:

10. ***In cooperation with EDA, CRLA should coordinate and assist owners and tenants in acquiring financial assistance to bring their property into compliance.***

RESPONSE:

- The recommendation has been implemented. Provide a summary regarding the implemented action:

EDA and County of Riverside staff, in consultation with farm workers, housing advocates, property owners and community based organizations, developed five programs to address these issues. Such organized groups and community based organizations included the California Rural Legal Assistance League (CRLA), Coachella Valley Housing Coalition (CVHC), Catholic Charities, State of California Department of Housing and Community Development (HCD), Inland Congregation United for Change (ICUC), Hispanic Americans for Social Justice, San Bernardino Diocese, United State Department Housing and Urban Development (HUD), United States Department of Rural Development (USDA).

The programs include two loan programs and one grant program for owners of Agricultural Housing Facilities and Mobile Home Parks in the region, and two tenant assistance programs, as follows:

1. Mobile Home Park Assistance Loan Fund. This program offers a loan to mobile home parks which are in danger of closure due to a lack of park compliance with state and local laws. The primary objective of this program is to provide financing for existing mobile home park rehabilitation and improvement projects that will serve low income farm workers of the Coachella Valley. Eligibility is restricted to existing unpermitted mobile home parks located in the unincorporated area of Riverside County. Terms: (1) Maximum of \$6,250 per rental space; (2) 30 year term; (3) 3.00% fixed rate; (4) secured by deed of trust; (5) protected by 30 year deed restriction.

To date the following progress has been made:

applications received:	9
applications withdrawn:	2
applications approved:	4
amount requested:	\$1,884,690.00
amount approved:	\$669,690.00
amount disbursed:	\$161,196.89
projects completed:	0

2. Agricultural Housing Assistance Loan Fund. This program offers a loan to qualified agricultural housing facilities which are in danger of closure due to a lack of facility compliance with state and local laws. The primary objective of this program is to provide financing for existing agricultural housing rehabilitation and improvement projects that will serve low income farm workers of the Coachella Valley. Eligibility is restricted to existing unpermitted agricultural housing facilities located in the unincorporated area of Riverside

County. Terms: (1) Maximum of \$75,000 per housing facility; (2) 40 year term with 10 year deferral; (3) 3.00% fixed rate; (4) secured by deed of trust; (5) protected by 40 year deed restriction.

To date the following progress has been made:

applications received:	55
applications withdrawn:	18
applications approved:	15
amount requested:	\$2,980,000.00
amount approved:	\$1,165,850.00
amount disbursed:	\$495,046.10
projects completed:	5 parks totaling 55 spaces

3. Mobile Home Park Tenant Assistance Grant Program. This program offers a grant to mobile home owners who are tenants of unpermitted mobile home parks or agricultural housing facilities and whose mobile home coach does not comply with state and local laws, and which have the physical and structural capacity to be repaired. The primary objective of this program is to provide financial assistance for existing mobile home coach rehabilitation projects that will serve low income farm workers of the Coachella Valley. Eligibility is restricted to low income owner occupants of mobile homes located in parks in the unincorporated area of Riverside County.

To date the following progress has been made:

applications received:	0
applications withdrawn:	0
applications approved:	0
amount requested:	\$0.00
amount approved:	\$0.00
amount disbursed:	\$0.00
projects completed:	0

4. Mobile Home Tenant Loan Assistance Program. This program offers a loan to mobile home owners who are tenants of unpermitted mobile home parks or agricultural housing facilities and whose mobile home coach does not comply with state and local laws, and which do not have the physical and structural capacity to be repaired. The primary objective of this program is to provide financing for replacement projects of existing mobile home coaches that will serve low income farm workers of the Coachella Valley. Eligibility is restricted to low income owner occupants of mobile homes located in parks in the unincorporated area of Riverside County. Terms: (1) Maximum of \$30,000; (2) 10 year term; (3) 0.00% fixed rate; (4) secured by vehicle lien; (5) forgivable loan.

To date the following progress has been made:

applications received:	317
applications withdrawn:	14
applications approved:	102
amount requested:	\$6,969,000.00
amount approved:	\$3,081,000.00
amount disbursed:	\$546,794.00
projects completed:	21

5. Agricultural Housing Facility Permit Assistance Grant Program. The Agricultural Housing Facility Permit Assistance Grant Program offers grant funding to qualified Agricultural Housing Facilities which are in danger on closure due to

a lack of Facility compliance with federal and state law and regulations and local ordinances. This program provides grant funding to assist Agricultural Housing Facility owner with cost of County assessed fees for rehabilitation and improvement projects that will serve low income farm workers of the Coachella Valley in the County of Riverside. Terms: (1) Maximum of \$10,000 per housing facility; (2) 10 year term; (3) 3.00% fixed rate; (4) unsecured; (5) protected by 15 year deed restriction; (5) forgivable loan.

To date the following progress has been made:

applications received:	23
applications withdrawn:	3
applications approved:	12
amount requested:	\$210,000.00
amount approved:	\$110,000.00
amount disbursed:	\$27,747.64
projects completed:	5 parks total 55 spaces (same as AGHL program)

RECOMMENDATION:

11. ***Establish and maintain a program so applicants understand that the loan and compliance process is to be completed in a timely manner.***

RESPONSE:

- X The recommendation has been implemented. Provide a summary regarding the implemented action:

Established EDA policies and procedures require continued due diligence in achieving project completion. Should said required due diligence fail beyond established limits loan applications are withdrawn and TLMA is informed of such withdrawn status.

RECOMMENDATION:

12. ***Limit the number of times extensions will be granted to loan applicants.***

RESPONSE:

- X The recommendation has been implemented. Provide a summary regarding the implemented action:

Established EDA policies and procedures limit a loan applicant's ability to extend the life of their loan application. Each loan applicant receives

a monthly status letter of file completion requirements and schedules an appointment with EDA staff requesting needed file documentation. After three (3) consecutive monthly status letters without expressed due diligence on behalf of the applicant, the file is withdrawn and County Code Enforcement is informed.

RECOMMENDATION:

- 13. *The EDA Ombudsman should update the Task Force at reasonable intervals as to the progress of all loan applications.***

RESPONSE:

- X The recommendation has been implemented. Provide a summary regarding the implemented action:

The EDA Ombudsman is a member and regular participant of both the Review Committee and Code Enforcement Task Force. Regular monthly communication and status of loan applications is given to each of the two (2) groups by the EDA Ombudsman. A significant amount of inter County departmental office communication is offered by all participating County departments including: TLMA, EDA, County Counsel and the Office of Supervisor Wilson.