1st Civil No. A120049

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION TWO

SEQUOIA PARK ASSOCIATES,
a California limited partnership,

Plaintiff & Appellant,

vs.

COUNTY OF SONOMA,

Defendant & Respondent.

APPEAL FROM THE SUPERIOR COURT
OF SONOMA COUNTY
(Sonoma County Superior Court Case No. SCV240003)

HONORABLE RAYMOND J. GIORDANO (Retired)

BRIEF OF*AMICUS CURIAE* THE CALIFORNIA STATE ASSOCIATION OF COUNTIES, THE LEAGUE OF CALIFORNIA CITIES, THE CITY OF CARSON AND THE CITY OF LOS ANGELES IN SUPPORT OF RESPONDENT COUNTY OF SONOMA

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I.

INTRODUCTION

The conversion of mobilehome parks to nominal resident ownership under Government Code § 66427.5[1] has been, and continues to be, a matter of statewide concern not to mention a whole series of legislative revisions. This statute is at the "heart" of a significant volume of litigation throughout California.

In this brief *Amicus*, on behalf of counties and cities state-wide, urges this Court to determine that Sonoma County Ordinance No. 5725 is a wholly lawful and appropriate exercise of local police and zoning powers which appropriately implements Section 66427.5. *Amicus* will also demonstrate that the Sonoma ordinance is a lawful exercise of the County's authority under the Subdivision Map Act. For the reasons that will follow, *Amicus* urge this Court to affirm the decision of the lower court and uphold the Sonoma ordinance.

A. Understanding the Historical Context.

To place this litigation in context, it is important for the Court to understand "how we got to where we are today."

1. *Section 66427.5 was enacted for resident initiated/supported conversions.*

In the early 1980's, due to increasing park rents for low and moderate income residents and/or park closures, the concept of resident owned parks began evolving in California. Mobilehome park residents began to join together to in an effort to purchase and operate their parks (so as to control their own destiny).

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[1] Unless otherwise stated, all statutory citations are to the California Government Code.

In some instances, residents would form a homeowners association or a non-profit organization and they would purchase and then subdivided their park into a condominium style ownership -- with each resident purchasing the land beneath their coach. This subdivision process is known under state law as a "conversion to resident ownership." Originally, Section 66427.4[2] governed ***all*** subdivisions of mobilehome parks, whether the subdivision was for conversion to another use or for conversion to resident ownership. This was sometimes a lengthy and expensive process.

As mobilehome park residents began to band together to purchase their parks, the Legislature then adopted Section 66428.1 to facilitate resident-initiated conversions where there was a demonstrated super-majority support. Under Section 66428.1, Subdivision Map Act requirements were waived for conversion applications that the support of not fewer than two-thirds of park residents. Those conversions that were ineligible for map waiver under Section 66428.1 fell back into the requirements of Section 66427.4.

In 1984, realizing the benefits of resident ownership of mobilehome parks, the Legislature also established the Mobilehome Park Resident Ownership Program ("MPROP"), providing a limited source of funding for resident organizations seeking to purchase their parks. To avoid the displacement of non-purchasing residents in converted parks, MPROP set limits on the rental increases that could be charged to such residents. Difficulties arose, however, when local agencies imposed additional and inconsistent economic mitigation requirements under Section 66427.4.

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[2] This section now only governs the conversion of mobilehome parks to "other uses."

In an effort to bring some consistency to the process, the Legislature adopted Section 66427.5, which established the MPROP protections as the ***only economic mitigations*** that could be imposed on any conversion involving MPROP funds. In its original form Section 66427.5 ***only*** applied to MPROP funded conversions.

In 1995, Section 66427.5 was amended to expand the MPROP mitigation measures on economic displacement to other conversions to resident ownership as well. These 1995 amendments, were not, however, intended to establish uniform statewide criteria for all other aspects of the required subdivision map, as Appellant herein argues. As will be demonstrated, there is nothing in the storied legislative history of Section 66427.5 to support such an argument.

In adopting the 1995 amendments, the Legislature "overlooked" (a fact about which the Legislature would be reminded by one Court of Appeal) one important point: the legislature failed to expressly retain the limit that Section 66427.5 was to be utilized only in "resident supported," or in other words "*bona fide*" resident conversions (although the principal drafter of the 2002 amendments would later write that the 1995 amendments were always intended to apply ***only*** to resident initiated conversions).[3]

2. *Park owners seize upon this "loophole" in Section 66427.5 and seek to convert parks even though such conversion applications lacked bona fide resident support.*

This legislative oversight was soon exploited by park owners. It appears that the first time a park owner initiated conversion under section

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[3] *See, El Dorado Palm Springs, Ltd. v. City of Palm Springs* (2002) 96 Cal. App. 4th 1153, 1173.

66427.5 was in 2000, when the owner of El Dorado Mobile Country Club, a 377 space mobilehome park in Palm Springs, filed a tentative subdivision map with the City. Seizing upon this "loophole" in the statutory scheme, the El Dorado park owner invoked Section 66427.5 in an attempt to ***bypass*** the City's subdivision process and the Subdivision Map Act all together and to convert his park simply by complying with the then-existing iteration of Section 66427.5. The residents strongly opposed this conversion.

The City of Palm Springs, faced with the question of what to do with a resident opposed conversion, imposed certain conditions to the approval of the park owner's Map, in an effort to protect park residents from the adverse economic impacts of the conversion and to protect them against a "sham conversion" (as one appellate court had put it).[4] There was significant concern that the El Dorado park owner planned to subdivide the park without any intention of selling any significant number of lots.

At the time of this "conversion" (which time the Subdivision Map Act does not define), the city's rent control ordinance would be preempted by the much-weaker state MPROP rent control provisions in Section 66427.5. The Palm Springs City Council was concerned that, by utilizing this "loophole" in the law, the park owner would thereby "secure for himself a life-time exemption from local rent control," while at the same

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[4] The conditions imposed by the City of Palm Springs were: (1) down payment assistance to purchasing tenants; (2) sales prices to be set by an independent appraiser; and (3) that the "conversion" would occur after sale of 1/3 of the units to protect the residents under the city's rent control ordinance for a reasonable period of time before the weaker state rent control took effect. These three challenged conditions clearly dealt only with "mitigation of economic displacement" of residents.

time fixing space prices so high that no resident would be able to afford to buy their space.

The park owner sued Palm Springs over the three (3) economic conditions of approval, and the Fourth District Court of Appeal, in *El Dorado Palm Springs, Ltd. v. City of Palm Springs* (2002) 96 Cal. App. 4th 1153, was then faced with the question of what to do in a resident opposed conversion initiated by a park owner, where a city had imposed conditions to the approval of the park owner's Subdivision Map Act tentative parcel map in order to avoid the potential for "economic displacement" of that park's residents. (*El Dorado*, *supra,* 96 Cal. App. 4th at 1157.)

On appeal, Palm Springs argued that, because the conversion was initiated by the park owner rather than the residents, the conversion was not subject to the limitations of Section 66427.5 (which was originally adopted to facilitate stream-lined review of resident initiated park conversions), but instead fell within the scope of Section 66427.4 (the long established "fall back" provision under state law). The issue presented on appeal was whether Section 66427.4 or Section 66427.5 was applicable to the proposed conversion. (*Id.* at 1158.)

Given that subsection (e) of 66427.4 expressly states that it "shall not be applicable to a subdivision which is created from the conversion of a rental mobilehome park to resident ownership," the Court found that 66427.4, by its plain language, did not apply. (*El Dorado*, *supra,* 96 Cal. App. 4th at 1162 [". . . the language of section 66427.4, subdivision (e) is clear and dispositive."].)

The *El Dorado* Court ruled that this owner-initiated, but resident opposed, conversion was governed by Section 66427.5 and the three challenged Palm Springs-imposed economic mitigation measures were,

therefore, pre-empted. The *El Dorado* Court was, however, sympathetic to the intentions of the City of Palm Springs to adopt conditions of map approval that would avoid a "sham conversion" and assure that the mobilehome park would convert to resident ownership in fact.

The *El Dorado* Court, like the city, was ***"equally concerned about the use of the section*** [66427.5] ***to avoid local rent control."*** (*Id.* at 1165 [emphasis added].) The Court concluded that Palm Spring was limited in its powers to protect against economic displacement by conditioning approval of the tentative tract map because of ***"a legislative oversight, and although it might be desirable for the Legislature to broaden the City's authority, it has not done so"*** notwithstanding the fact that the conversion was opposed by the park residents (*Id.*)[5]

3. *Following El Dorado, Section 66427.5 is amended to close the "loophole" and require resident support for conversions.*

As a direct consequence of the *El Dorado* decision, A.B. 930 (Stats 2002, ch 1143, § 1) was adopted and the Legislature added to Section

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[5] Due, some think, in large measure to the *El Dorado* opinion, within the last few years there has been a growing trend of mobilehome park owner initiated conversions in which mobilehome park owners use Section 66427.5 as a means of trying to escape local rent control and to convert a mobilehome park ***over the objection of the residents of such park***. At present, there may be as many as 30 mobilehome park conversion applications in various stages of processing (from application to litigation) up and down the State of California. Currently, there are about 700,000 residents living in mobilehome parks in this state. A majority of these residents are very-low to low income households. In the case of *amicus* City of Carson alone, mobilehome park residents comprise approximately 9% of the total housing population with 2,405 senior and family households located in 23 mobilehome parks citywide. Approximately 80% of Carson's affordable housing units are located within its mobilehome parks.

66427.5 a new requirement that a subdivider "obtain a survey of support of residents of the mobilehome park for the proposed conversions," and that such survey "be ***considered*** as part of the subdivision map hearing." (Section 66427.5(d)(1), (d)(5) [emphasis added].) In amending Section 66427.5, the Legislature took the additional, and somewhat extraordinary, step of explaining to municipalities (and potentially to the courts) its intent in enacting A.B. 930 as follows:

> It is the intent of the Legislature to address the conversion of a mobilehome park to resident ownership that is not a bona fide resident conversion, as described by the Court of Appeal in *El Dorado Palm Springs, Ltd. v. City of Palm Springs* (2002) 96 Cal. App. 4th 1153. The court in this case concluded that the subdivision map approval process specified in Section 66427.5 of the Government Code may not provide local agencies with the authority to prevent non-bona fide resident conversions. The court explained how a conversion of a mobilehome park to resident ownership could occur without the support of the residents and result in economic displacement. ***It is, therefore, the intent of the Legislature in enacting this act to ensure that conversions pursuant to Section 66427.5 of the Government Code are bona fide resident conversions.*** (A.B. 930 [Stats 2002, ch 1143, § 2]; 4/5 CT 826-828; emphasis added[6].)

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[6] The Clerk's Transcript will hereinafter be cited using the form [volume] CT [page]. Volume "4/5" refers to the missing pages of the Clerk's Transcript referred to in footnote 5 on pages 16-17 of Respondent's Brief.

B. The Survey of Support Issue.

Appellant's argument that the Sonoma County ordinance may have a "roadblocking" effect on Section 66427.5 conversions simply ignores the legislative history and intent behind the 2002 amendments. The Legislature was clear, the 2002 amendments were enacted to close the *El Dorado* acknowledged loophole and to stem the tide of resident-opposed conversions. In the words of the Legislature, A.B. 930 was intended to "***close [the] loophole that permits a park owner-driven conversion to resident ownership even where the conversion is not favored by, nor is in the interests of the park residents.***"[7] (5 CT 1103.)

If that legislative intent is to be characterized by Appellant as "roadblocking," then so be it. To the contrary, and correctly characterized, A.B. 930 was enacted to assure that conversions of mobilehome parks to nominal resident ownership has the support of the very residents who will be so directly impacted by the same (and who will lose the protections of local municipal rent control laws most of which were enacted to "prevent excessive rents increases").

Sonoma County's ordinance is an appropriate implementation of Section 66427.5 with respect to defining "Survey of Support" requirements, and *Amicus* ask this Court to uphold it as lawful. The ordinance provides a reasonable mechanism to determine whether and to what extent a developer

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[7] There is a certain irony in the manner in which Section 66427.5 is being utilized by land owners. Section 66427.5 which was enacted by the Legislature to protect mobilehome park residents and to assist residents in expediting the Subdivision Map Act process has been "turned on its head." Now, Section 66427.5 is being used as a sword against residents to force conversions, over resident opposition, and in an effort to strip local agencies of their traditional land use and police powers in the consideration of discretionary land use applications.

conversion application has the support of the very residents who will be directly impacted by that application.

However, this appeal goes beyond the question of local implementation of the "Survey of Support" provisions of state law. In this appeal, Appellant seeks to (1) ***limit*** the exercise of public agency traditional "police and land use powers," and (2) ***limit*** the very information public agencies can require be included in the statutorily required "tenant impact report" ("TIR").

C. Tenant Impact Report Issue.

With respect to the contents of a TIR, a plain reading of Section 66427.5 requires the filing of a report that, in fact, discusses and considers (meaning, explains the same to the residents) ***each*** of the impacts of the conversion on park residents. Appellant's argument to the contrary is a "form over substance" argument.

The state statute requires a TIR, so Appellant's argument goes. Appellant suggests that the applicant may prepare the TIR and determine its content. The public agency may receive the report, but can do no more that "receive and file" such report. No review of its contents. No consideration of the sufficiency of the information contained therein. No discussion of the adequacy of its contents. No requests for additional information to address unique or individualized issues in any particular park. Just prepare, submit, and receive a TIR.

Appellant asks this Court to conclude that a local agency must accept whatever document the subdivider identifies as a "TIR" and look no further! This Court however cannot presume that the Legislature has enacted an empty requirement. (*NT Hill, Inc. v. City of Fresno* (1999) 72 Cal. App. 4th 977, 990 [do not nullify legislative provisions].)

The Subdivision Map Act requires the TIR be provided not only to the local agency, but also to the residents at least 15 days before the public hearing. (§ 66427.5(b).) Surely, the Legislature intended that the report have substantive content.[8] Each required component of the TIR in Sonoma County's Ordinance is reasonably relevant to an adequate analysis of the impact of a conversion on park residents. None conflicts with any provision in the Map Act or other state law.

D. Traditional Police and Land Use Powers Issue.

Finally, Appellant attempts to use Section 66427.5 to usurp or limit the exercise of traditional police powers by local agencies in their consideration of a discretionary land use application. While it is undisputed that a local agency may not enact regulations ***that conflict with*** the Subdivision Map Act, it is equally settled law that a local public agency (be it a county or a city) may regulate all other actions relating to a subdivision under its zoning and police powers on which the Subdivision Map Act is silent. (*Santa Monica Pines, Ltd. v. Rent Control Board* (1984) 35 Cal. 3d 858, 868-869; *Soderling v. City of Santa Monica* (1983) 142 Cal. App. 3d 501, 508; *Briarwood Properties, Ltd. v. City of Los Angeles* (1985) 171 Cal. App. 3d 1020, 1028-1030 ["the map act [portions dealing with condominium conversions] is primarily concerned with land use planning issues; it governs condominium conversions only to the extent of ensuring tenants' rights to purchase their apartments. ***The act leaves all other***

[8] The TIR must be delivered before the public hearing on the conversion application. Why? At least one reason surely must be to afford residents enough meaningful information to enable them to determine whether to support the conversion when the statutory survey of support is conducted. If there can be no assurance as to the contents of the TIR, it may become a meaningless exercise and Legislature's intent certainly will be frustrated.

aspects of conversion regulation to the local police power."] [emphasis added].) What is more, Section 66411 expressly provides that municipalities "shall" regulate subdivisions, to fill in the blanks found in the Subdivision Map Act.

Section 66427.5 (now, the only statute dealing with conversion of mobilehome parks to resident ownership when less that 2/3 of residents supporting the conversion) is utterly silent on land use and general plan consistency issues. Even Appellant concedes: "No word in § 66427.5 suggest such [general plan consistency] requirement." (Appellant Reply Brief, p. 4.). That is because Section 66427.5 deals primarily with the mitigation of economic displacement of residents.

The Subdivision Map Act is also utterly silent on local agencies' land use and police powers in Section 66427.5 conversions. Accordingly, local agencies are free to regulate in such areas just as Sonoma County has done in its ordinance, provided, of course, that such regulation is reasonably related to and a reasonable exercise of police or zoning powers. To deprive a public agency of such typical powers in connection with mobilehome park conversion applications, would be to give Section 66427.5 pre-emptive effect far beyond either its plain language or the intent of the Legislature as reflected in its legislative history.

The lower court correctly ruled that Sonoma County's Ordinance is both a routine and an appropriate implementation of Section 66427.5. The trial court correctly concluded, for reasons that will be detailed below, the Sonoma County Ordinance is an appropriate exercise of the County's

authority under the Subdivision Map Act and its police powers. *Amicus* respectfully urge this Court to affirm that decision.[9]

II.

GOVERNMENT CODE SECTION 66427.5 REQUIRES LOCAL AGENCIES TO *CONSIDER* THE "SURVEY OF SUPPORT" AND AFFORDS SUCH AGENCIES DISCRETION TO DENY CONVERSIONS WHICH ARE NOT SUPPORTED BY THE RESIDENTS OF THE PARK

As outlined above, in response to the *El Dorado* opinion, Section 66427.5 was amended in 2002 by AB 930 to add the requirement of a

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[9] Appellant urges this Court to find that Section 66427.5 effectively pre-empts the exercise of ***any local agency discretion*** with respect to park subdivisions. That finding, however, would negate a local agency's ability to address such basic subdivision concerns as the adequacy of sewer and water service, the mitigation of any hazardous conditions, compliance with general plan and zoning standards following the date of conversion, the protection of public health and safety and review of potential environmental impacts of park conversions (particularly in those circumstances when, post conversion, the mobilehome park can no long be maintained for "seniors only"). For example, the owner of a contaminated mobilehome park located in *Amici* City of Carson in an industrial zoned area (legal non-conforming use) has approached the City about converting his park to residential ownership. After conversion, the park residents will be responsible for complying with various state and federal regulatory schemes governing the control and cleanup of the contaminants in the park. The residents, even collectively, will be unable to afford such responsibility that will have been effectively "forced" upon them upon the sale of a single lot, (*El Dorado, supra,* 96 Cal. App. 4th at 1177-79), and there will be no responsible party in place to control site contaminants. Under Appellant's reading of Section 66427.5, this Carson park owner can simply file a conversion application and that application must be approved without any ability on the part of the City of Carson to even require disclosure of the contaminants to the residents in the TIR or to impose conditions of conversion that will assure that such contaminants are appropriately monitored and mitigated. That certainly cannot be what the Legislature intended by Section 66427.5.

survey of resident support. The statute now requires that the subdivider "obtain a survey of support of residents of the mobilehome park for the proposed conversion." (§ 66427.5(d)(1).) "The ***results of the survey shall*** be submitted to the local agency upon the filing of the tentative or parcel map, to ***be considered as part of the subdivision map hearing prescribed by subdivision (e)***." (§ 66427.5(d)(5) [emphasis added]; *see also*, 5 CT 1051 [Senate Third Reading--"This bill adds legislative intent language concerning the need for resident *support* to assure that the conversion of mobilehome parks to resident ownership pursuant to the Subdivision Map Act are bona fide."] [emphasis added]; 5 CT 1102 [Enrolled Bill Memo--"This bill would (1) require that the subdivider, in addition to current requirements, obtain a survey from the mobile home park residents demonstrating their support of a conversion of the park to resident ownership. . . (2) state legislative intent to assure that mobilehome park conversions to resident ownership are ***supported by residents***."] [emphasis added]); 5 CT 1103 [Enrolled Bill Report--"***this bill would help close a loophole that permits a park owner-driven conversion to resident ownership even where the conversion is not favored by, nor is in the interests of the park residents.***"] [emphasis added]).)

Appellant ignores this legislative history and relies on a single sentence of the statute in arguing that Section 66427.5 does not give local agencies any authority to determine the *bona fides* of conversions[10]. Appellant argues that local agency oversight is limited to determining whether a survey has been conducted and whether its results were submitted to the City. Appellant urges this Court to interpret this section to

[10] Section 66427.5(e) states: "The scope of the hearing shall be limited to the issue of compliance with this section."

mean that local agency oversight does ***not*** include a determination of whether there is resident support for the conversion based upon the results of the survey, and that local agencies must approve a conversion application, so this argument goes, even in the face of a survey demonstrating resident opposition to the same.

With respect, these arguments fly in the face of the amended language of Section 66427.5 and in the statement of legislative intent adopted by the Legislature. As stated in 66427.5(d)(5), "[t]he results of the survey shall be submitted to the local agency upon the filing of the tentative or parcel map, to be considered as part of the subdivision map hearing prescribed by subdivision (e)." If, as Appellant suggests, local agencies were permitted only to determine whether the Survey of Support had been conducted, the statutory directive to the City to "consider" the survey results would be rendered meaningless.

Local agencies are charged to "consider" the results of the Survey; to do so they must then be able to use those results in determining whether to approve or deny the conversion application. In fact, read together, Sub-sections 66427.5(d)(5) and (e) provide that, after "consider[ing]" the "results of the survey" at a public hearing, the local agency may "approve, conditionally approve, or disapprove the [conversion application or subdivision map]."

In responding to *El Dorado*, the Legislature clearly intended that local agencies could disapprove conversions based on the results of the survey of support. (5 CT 1120 [Signature Request from Assembly stating "***this bill would not require the local agencies to follow the results of the survey or mandate approval or denial of a proposal based on specific levels of resident support,"*** which implies that a local agency could deny a

proposal based on the level of resident support] [emphasis added]; 5 CT 1106 [Enrolled Bill Report -- AB 930 will "allow local governments to take a ***proactive role*** in protecting or ensuring the maintenance of affordable housing in their communities."] [emphasis added].)

This stated legislative intent is in tune with the reality of what happens in park owner initiated, and resident opposed, conversions. Under the *El Dorado* court's interpretation of Section 66427.5, "conversion" of the entire park occurs (meaning local rent control protections no longer apply to non-purchasing residents) when one single unit is sold. When a low-income tenant moves out, even the weaker state MPROP-based rent control is eliminated, and that space goes to market rent and is no longer preserved as an affordable housing unit. So the "unfortunate" effect of Section 66427.5 (candidly acknowledged by the *El Dorado* Court), which was initially enacted to assist resident initiated conversions, is that park owners are using the law to convert their parks, secure a life-time exemption from local rent control, and make significant profits while effectively forcing low income and moderate income people out of their coaches. And as a result, local municipalities are losing affordable housing units.

Evidence of this negative impact from park-owner initiated, and resident opposed, conversions can be found in the *"post mortem"* of the ground-breaking *El Dorado* case. In that park, prior to the conversion, El Dorado Mobilehome Park was completely full. In 2003, ***after*** the conversion, i.e., after the Court held the conversion was complete and the City of Palm Springs was powerless to impose binding conditions on the park owner, many vacancies occurred overnight.

As of last count in August of 2007, and for the first and only time in this park's history, there are some 50 vacant lots. (Declaration of Sunny Soltani ("Soltani Declaration"), ¶ 3, Deposition of John Ellis ("Ellis Deposition"), p. 16:22-17:6.) And it is reported that the park owner is changing the demographics of the park from low-income and senior residents by selling two spots at a time to double-wide coaches, replacing the low-income seniors with higher income buyers. Many of the senior citizen residents of the park with older coaches were forced to move because they could not afford the rent. Residents simply left without being able to sell their coaches because the coaches had little resale value (called "abandoning in place"). (Soltani Declaration, ¶ 2, Deposition of Anne James ("James Deposition"), 127:21-128:24.)

The low-income and even moderate income residents cannot afford to purchase their lots because the units are being offered at such high prices now. Initially, this park owner offered the units at $88,000. (Soltani Declaration, ¶ 2, James Deposition, 52:3-13.) The City provided financial assistance towards down payment on the units, and some sales took place. Less than a year after the conversion occurred, the park owner increased the unit sale prices to as high as $126,500. As of 2008, the park has offered units at prices ranging from $145,000 to higher ranges on some units. (Soltani Declaration, ¶ 2, James Deposition, 117:16-24.)

Out of the 377 spaces in the park, only 164 of the units actually were sold as of August 4, 2005. (Soltani Declaration, ¶ 2, James Deposition, 45:22- 46:3.) 213 of the spaces as of August 4, 2005 had not been sold and were no longer protected by local rent control. (Soltani Declaration, ¶ 2, James Deposition, p. 46:4-8.) Out of the 164 units that were sold as of August 4, 2005 in El Dorado, 25% of them had been sold to new buyers.

(Soltani Declaration, ¶ 2, James Deposition, 53:20-22.) In other words, the residents that were renting at the time of the conversion could not or did not purchase their lots and moved out and a new buyer purchased the lot. Immediately after the court-ordered conversion took effect, many of the residents vacated the park. (Soltani Declaration, ¶ 2, James Deposition, 46:18-47:7.)

As can be seen from these disturbing data, park owner initiated conversions without the support of the residents can be used as a tool to escape local rent control. Clearly the park owner in *El Dorado*, now many years after the conversion, is in no rush to sell the units to his residents. He has set the prices so high they cannot afford to purchase their lots. He is willing to wait for a buyer that can afford the high prices -- in the hopes of changing the demographics of the park. Even if some spaces are empty, the park owner makes up the difference by charging those who remain higher rents.

The El Dorado experience powerfully demonstrates how a conversion forced upon residents can be detrimental to low-income and to moderate-income residents, who are often senior citizens and/or disabled. A further effect of the "perversion of this statute" is that local municipalities are losing valuable affordable housing units without being able to require mitigation of same.

The 2002 Survey of Support amendments were intended to address this "El Dorado experience." The amendment must be given a fair-minded meaning by this Court in order to assure there will never be a repeat of the "El Dorado experience."

Appellant argues that the Survey of Support is intended only for consideration (in a court action) ***after*** the conversion takes place. Appellant

argues that the question is not one of "*bona fides*," but rather whether there is a "sham" conversion. (Appellant Reply, p. 25.)

The plain and clear language of the Section 66427.5 directly contradicts Appellant's argument. Section 66427.5(d)(5), enacted as part of A.B. 930, states that the results of the survey "shall be submitted to the local agency . . . to be considered as part of the subdivision map hearing prescribed by subdivision (e)." The plain language of the statute and the legislative history of A.B. 930 negate Appellant's argument.

Secondly, Appellant misunderstands the definition of "*bona fide* conversion" intended by the Legislature in enacting the survey of support requirements. The Legislature enacted A.B. 930 to require a survey of resident support in order to "ensure that conversions pursuant to Section 66427.5 are *bona fide* resident conversions" — i.e. to ensure that conversion of a mobilehome park does not "occur without the support of the residents". (*See*, Statement of Legislative Intent, Stats. 2002, c. 1143, § 2; 4/5 CT 826-828; *see also*, 5 CT 1051 [Senate Third Reading--"This bill adds legislative intent language concerning the need for resident support to assure that the conversion of mobilehome parks to resident ownership pursuant to the Subdivision Map Act are *bona fide*."].) Thus, the issue of whether a conversion is *bona fide* is to be determined based upon whether there is resident support for the application.

Appellant also cites to the Concurrence Report in page 25 of his Reply Brief: "The fact that a majority of the residents do not support the conversion is not however an appropriate means for determining the ***legitimacy*** of a conversion." *Amicus* do not dispute this proposition (and the Sonoma County Ordinance is not contrary). But this report addresses the issue of whether the Legislature meant to adopt the 2002 amendments

to prevent a "sham" conversion. This single sentence in the concurrence report says nothing about the intent of the Legislature in adopting the 2002 amendments as a means to assure that conversions are "*bona fide*" -- meaning that such conversion are resident supported conversions.

Whether a given park owner has filed a conversion application with legitimate intentions (and not merely to "secure a lifetime exemption from local rent control" -- the so-called "sham" conversion) is a wholly different issue from whether such well-intentioned application is supported by the residents who are directly and profoundly impacted by the same. While it can be fairly said that the 2002 amendments did not purport to confer power on local agencies to assure there could never be a "sham" conversion (which the *El Dorado* Court suggested could give rise to a private cause of action), it does not follow from that argument that the 2002 amendments do not allow local agencies to adopt implementing regulations to determine and measure the extent of resident support for such conversions, or to deny a discretionary land use application because of a lack of such support. It can still be the case that the park owner has all the legitimate intentions in the world, but because the residents do not support the conversion, the park owner cannot be allowed to convert under Section 66427.5. The reason is simple: Section 66427.5 was created for resident initiated and/or supported conversions, and the 2002 amendments made clear this return to the original legislative intent of 1995.

Lastly, Appellant argues there is significance in the Legislature's rejection of the original iteration of the 2002 amendments (A.B. 930). (Appellant Opening Brief, pp. 35-37.) However, legislative rejection of the original iteration of A.B. 930 is simply irrelevant to the issues in this case.

The Legislature rejected the original version of A.B. 930, which would have authorized local governments to supplement Section 66427.5 with "any additional conditions of approval that the local legislative body or advisory agency determines are necessary ***to preserve affordability or to protect non-purchasing residents from economic displacement***." (4 CT 818, proposed subd. (d) [emphasis added].) Subsequently, the Legislature adopted a later version of the bill without this language.

Appellant claims the original language of the 2002 amendments "would have broadly authorized local requirements like the county's." Therefore, relying upon *Rich v. State Board of Optometry* (1965) 235 Cal. App. 2d 591, 607, Appellant concludes that the County's ordinance is pre-empted by Section 66427.5 because "the rejection by the Legislature of a specific provision contained in an act as originally introduced is most persuasive to the conclusion that the act should not be construed to include the omitted provision." (Appellant's Opening Brief, pp. 35-36.)

However, Sonoma ***is not contending*** that Section 66427.5 should be construed in a manner consistent with the original language of the 2002 amendments which the Legislature rejected. The County admits that Section 66427.5 pre-empts local regulation "necessary to preserve affordability or to protect non-purchasing residents from economic displacement." That is the heart of the County's argument -- Section 66427.5 is a narrow pre-emption of the ability of localities to enact regulations to protect against economic displacement of non-purchasing residents -- the pre-emption is no broader than that.

Ordinance No. 5725 does ***not*** purport to impose any additional economic restrictions to preserve affordability or avoid resident

displacement, the later deletion of that language from A.B. 930 does not impact the Ordinance's validity in any material respect.[11]

Subsequent iterations of A.B. 930 also offer no support for Appellant's argument. A second amendment to A.B. 930 (offered August 13, 2002) removed the open-ended provision for local economic restrictions, and, instead, would have required that local rent controls remain in effect until 50% plus one of the spaces had been sold to park residents, one of the specific local economic provisions struck down by the Court in *El Dorado*. [4 C.T. 819 - 821; compare *El Dorado, supra*, 96 Cal.App.4th at 1157, and 1165-166.] That second iteration of A.B. 930, on its face, also has no relevance to Sonoma County Ordinance No. 5725.

Finally, A.B. 930 was amended (on August 26, 2002) to delete the provision for retention of local rent control and, in its place, the bill's author proposed the requirement for a survey of resident support, "with the results to be submitted to the local agency upon filing of the tentative or parcel map, and considered as part of the hearing." [4 C.T. 822-823.] That final version of A.B. 930 was adopted by the Legislature, approved by the Governor, and chaptered into law. [4/5 C.T. 826 - 830.] And it was that final version -- not any prior iteration of A.B. 930 -- that was logically and reasonably implemented in Sonoma County Ordinance No. 5725.[12]

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[11] It does bear noting that this initial language of A.B. 930 was never subject to a vote of the Legislature, but rather was amended in committee. [*See* 4 C.T. 819 and 4/5 C.T. 830.]

[12] Appellant cites to *Reidy v. City and County of San Francisco* (2004) 123 Cal. App. 4th 580, 592 in an attempt to argue that the Legislature's 2002 adoption of the "survey of support" requirement did not limit the pre-emptive effect of Section 66427.5 because the amendment did not change at all the claimed pre-emptive language in that section. First, as already described, the Legislature did change the language of Section 66427.5 to empower the legislative body to "consider" the results of the survey of

All in all, as stated in the Enrolled Bill Report -- "***this bill would help close a loophole that permits a park owner-driven conversion to resident ownership even where the conversion is not favored by, nor is in the interests of the park residents.***" (5 CT 1103 [emphasis added].) In other words, the Survey of Support must be considered by the local agency to prohibit park owner-initiated conversion to resident ownership where the conversion is not favored by the park residents. The County' Ordinance merely provides a measure for implementing 66427.5. It must be upheld.

III.

A TIR CAN AND SHOULD REQUIRE MEANINGFUL DISCLOSURE

Subsection (b) of section 66427.5 specifies that "[t]he subdivider shall file a report ***on the impact*** of the conversion upon residents of the mobilehome park to be converted to resident owned subdivided interest." (Emphasis added.) By requiring proper disclosure in the TIR, local agencies do not act in a regulatory capacity and they do not intrude on Department of Housing and Community Development and/or Department of Real Estate oversight authority.

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support in determining whether to "approve, conditionally approve, or disapprove" the map. (§ 66427.5(d), (e).) Second, ***even if the 2002 amendments did not change 66427.5's original pre-emptive effect,*** the scope of such pre-emption is limited to preventing local agencies from imposing additional requirements related to *protecting non-purchasing residents from economic displacement* following the date of conversion. The Sonoma County ordinance is completely silent on this subject, and instead regulates on the issue of determining and measuring the extent of resident support for a conversion application, the application's compliance with the County's general plan, impacts of the conversion on health and safety, etc..

A TIR must analyze fully various impacts of the anticipated rent increases, available replacement mobilehome spaces (for those who may consider relocating to a another park after conversion rather than purchasing or remaining a renter under the state rent de-control statute), issues regarding termination of residents' tenancies, and environmental issues which may cause impacts on the residents, in addition to any other relevant impacts. Clearly, Appellant would prefer that this Court rule that a local agency must accept whatever document the subdivider identifies as a "TIR" and look no further.

Surely, the Legislature intended that the report have substantive content. *Amicus* respectfully urge this Court to find that local agencies can require meaningful disclosure in the TIR.

IV.

LOCAL AGENCIES RETAIN DISCRETIONARY AUTHORITY UNDER THE SUBDIVISION MAP ACT AND THE CALIFORNIA CONSTITUTION

A. The Plain Language, Statutory Context And Legislative History Of Section 66427.5 Reveal Its Limited Intent.

Appellant wants this Court to rely upon a single sentence to deprive local agencies of all regulatory authority under the Subdivision Map Act, and to preclude the exercise of police powers and under local implementing ordinances. The plain language, statutory framework, and legislative history of the section supports no such broad pre-emptive interpretation of this section of the Government Code.

1. *By Its Plain Language, Section 66427.5 Is Limited In Scope.*

Contrary to Appellant's claim, the language of Section 66427.5 does not purport to occupy the entire field of regulation of mobilehome park conversions, but is narrowly focused on the displacement of non-purchasing residents. The Section is entitled "Displacement of non purchasing residents," and its sole provision provides simply that "[a]t the time of filing a tentative or parcel map [for a conversion to resident ownership] ***the subdivider shall avoid the economic displacement*** of all non-purchasing residents in the following manner . . ." (emphasis added). Seven subparagraphs then outline the steps for economic mitigation. The section contains nothing more.

As the County points out, Appellant's interpretation is also inconsistent with the Legislature's own explanation of the sentence at the time it was adopted. The Senate Rules Committee Analysis stated simply: "***The bill provides that the scope of the hearing on mitigation is limited to compliance with the mitigation requirements***." (4 CT 776 [emphasis added].) The bill analysis for the Senate Select Committee on Mobilehomes states:

> SB 310 would establish the 1992 section . . . as the sole means for local government to determine ***mitigation*** requirements for all conversion of parks to resident-owned subdivided interests, not just those financed by MPROP [state funding program]. The impact report, 15-day notice and hearing requirements are carried over from Sec. 66427.4 . . .Additionally, Sec 66427.5 would not

> specifically permit local governments to establish more stringent standards ***for the mitigation of displacement*** as is the case with Sec. 66427.4, relating to the conversion of parks to other subdivided interests.

(4 CT 756 [emphasis added]; *see also*, 4 CT 726 ["Assembly amendments . . . provided that the scope of the hearing ***on mitigation*** is limited to compliance with the mitigation requirements."] [emphasis added]). The language of Section 66427.5 itself does not support Appellant's reading of the same.

2. *Legislative History Confirms that Section 66427.5 Is Limited in Its Pre-Emptive Effect to Preventing Local Agencies From Adopting Additional Economic Mitigation Measures Only.*

The legislative history of Section 66427.5 confirms that the section is narrow not only in language but also in its intended scope.[13] The statute was first enacted in 1991 to establish standard requirements for mitigation of resident displacement in state-funded and resident initiated mobilehome park conversions: "the author seeks to streamline the displacement provisions of the Act and the displacement requirements which HCD imposes in its administration of the Fund so that the same requirements exist for both." (3 CT 532 [AB 1863 Assembly Third Reading], 544-545, 547, 574.)

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[13] A consideration of the legislative history of the statute is appropriate here to ascertain the meaning of the disputed statutory section. *See Morehart v. County of Santa Barbara* (1994) 7 Cal.4th 725, 748; *El Dorado Palm Springs, Ltd. v. City of Palm Springs* (2002) 96 Cal.App.4th 1153, 1166-1167.

When the section was expanded in 1995 to cover all conversions to resident ownership, the scope of the statute remained narrow. "The author states that the bill's main purpose is to establish a uniform standard for mitigating economic displacement in cases of conversion of mobilehome parks to resident ownership." (4 CT 773 [SB 310 Third Reading Analysis]; 4 CT 729 [Assembly Committee. Report -- "Establish a uniform standard for mitigating economic displacement . . ."]; 4 CT 777 [Senate Rules Cmte. -- ". . . bill's main purpose is to establish a uniform standard for mitigating economic displacement . . .]; 4 CT 779 [Author's letter].)

Again as the County points out, perhaps the author of the 1995 amendments explained it best: "[The bill] . . . relates to the ***mitigation of the displacement of 'non-buying'*** homeowners in a park converted to resident owned subdivision, by pre-empting more stringent local rent control measures used to accomplish that purpose." (4 CT 767; *see also* 4 CT 752 ["[The bill] would basically establish a state standard to deal with mitigating the economic displacement of park residents who don't buy into resident ownership."]; 4 CT 732 [local agency's "power to require mitigation measures, with respect to displaced residents . . . is not applicable to a park converted to resident ownership."]; 4 CT 764 ["[The bill] would establish a state standard for mitigation of the economic displacement of non-purchasing residents upon such a conversion. The bill uses an existing formula in current law which is applicable to mobilehome park conversions using state HCD loan (Mobilehome Park Resident Ownership Program) funds."]; *Morehart, supra*, 7 Cal. 4th at 748 [importance of defining the scope of the allegedly preemptive statute].)

Moreover, the 2002 amendments to Section 66427.5 added the requirement for a survey of resident support prior to the approval of any

park conversion providing yet an additional layer of protection against the displacement of residents. (4/5 CT 826-830 [2002 Stats., ch. 1143]; *see also id.* at § 2 [survey of support requirement added because, without it "a conversion of a mobilehome park to resident ownership could occur without the support of the residents and result in economic displacement."].)

Throughout its history, Section 66427.5 has remained narrowly focused on establishing standards and procedures by which a subdivider will avoid the economic displacement of those residents who choose not to purchase a condominium share in the park. The legislative history of section 66427.5 reveals no intent or expectation that the section would abrogate the authority of local agencies to address other issues of concern -- the authority of the local agency to ensure that the subdivision is appropriate under local conditions, that it is consistent with the general plan, that utilities are adequate, and that the potential impacts on the environment are addressed. (*See*, *e.g.*, Gov. Code § 66474 [grounds for denial of tentative or parcel map].)

B. Because 66427.5 Only Narrowly Deals With Economic Displacement Issues, Local Agencies Can Regulate Other Aspects of the Conversion Using their Traditional Land Use and Police Powers.

As noted above, Section 66427.5 limits local agency authority as to the types of mitigations that may be imposed to avoid the economic displacement of non-purchasing residents.[14] The section does not otherwise purport to limit the authority of local agencies.

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[14] Examples of economic mitigations that would be pre-empted include a requirement that the subdivider limit post-conversion rents to less than that

Beyond Section 66427.5, regulatory authority over mobilehome park development is split between the California Department of Housing and Community Development ("HCD") and local agencies. (*See*, Health and Safety Code § 18300, subd. (f) - (h) [outlining areas of local jurisdiction].) Within that framework, the local agency retains both zoning and subdivision authority. Under the Subdivision Map Act itself, a local agency, such as Sonoma County here, retains its authority, indeed its responsibility, to ensure that the proposed subdivision of the park is consistent with the community's general plan (Section 66473.5), that the site is suitable for any proposed new development (Section 66474 (c) and (d)), that the park has adequate sewer and water services (*id.* at subd. (e) and (f)), and that any significant environmental issues are addressed (*id.* at subd. (e)).

In addition, the local agency retains its authority under its constitutional police powers to ensure the public health and safety. (Cal. Const., art XI, § 7.) Moreover, the local agency remains obligated to ensure compliance with section 66427.5 itself.[15] In each of these instances, the City has discretion to impose appropriate conditions on the proposed subdivision, if the facts warrant. Review of mobilehome park conversions

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provided in subparagraph (f) of 66427.5 or that the subdivider provide financial assistance to individual residents to facilitate their purchase of their lot or to provide for their relocation.

[15] Section 66427.5 itself appears to call for the exercise of discretion, in requiring that the local agency "consider" the results of the required survey of support (section 66427.5, subd. (d)(5)), that it receive the report on the impact of the conversion prior to the public hearing (*id.*, subd. (b)), and that it determine whether to "approve, conditionally approve, or disapprove the map" (*id.*, subd. (e)).

cannot be reduced to a simple ministerial checklist, particularly on the slim justification of one sentence of one subparagraph of section 66427.5.[16]

The California Constitution grants cities and counties broad police powers to ensure the health, safety and welfare of their communities: "A county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws." (Cal. Const., art. XI, § 7.) Moreover, the Map Act itself:

> authorizes local governments to adopt conforming ordinances 'to [regulate] and control the design and improvement' of subdivisions. It sets suitability, design, improvement, and procedural requirements and allows local governments to impose supplemental requirements of the same kind.

(*The Pines v. City of Santa Monica* (1981) 29 Cal. 3d 656, 659 [citations omitted]; *see also*, *Griffin Dev. Co. v. City of Oxnard* (1985) 39 Cal. 3d 256, 261 ["Local agencies may . . . adopt regulations involving matters covered by the Map Act as long as they are not inconsistent with it."].)

Although a city or county may not regulate contrary to specific Map Act provisions, it may regulate all other actions relating to a subdivision

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[16] Clearly, the need for conditions will vary greatly depending upon the particular facts presented. Some park conversions may require no conditions. *Amici*, however, are aware of older mobilehome parks within their jurisdictions that have failing septic systems, inadequate water supplies, environmental contamination and unsafe traffic access. If these parks were to become subject to conversion, it would be essential that the local agency be able to address these concerns before lots are conveyed into separate ownership.

under its zoning and police powers on which the Map Act is silent. (*Soderling v. City of Santa Monica* (1983) 142 Cal. App. 3d 501, 508 [building safety requirements]; *Benny v. City of Alameda* (1980) 105 Cal. App. 3d 1006, 1010-1012 [rezoning requirements]; *The Pines v. City of Santa Monica* (1981) 29 Cal.3d 656, 663 [local revenue tax]; *Briarwood Properties, Ltd. v. City of Los Angeles* (1985) 171 Cal. App. 3d 1020, 1028-1030 ["the map act [portions dealing with condominium conversions] is primarily concerned with land use planning issues; it governs condominium conversions only to the extent of ensuring tenants' rights to purchase their apartments. The act leaves other aspects of conversion regulation to the local police power."].)

In light of the limited scope of section 66427.5, it cannot reasonably be suggested that that section alone has covered the entire subject of mobilehome park conversions to resident ownership "so fully and completely . . . as to clearly indicate that it has become exclusively a matter of state concern," or even partially covered the subject in such a way "as to indicate clearly that a paramount state concern will not tolerate further or additional local action." Nothing in the language of section 66427.5, in its statutory context or in its legislative history suggests that the section can be deemed to occupy the field of mobilehome park conversion regulation or to meet the high threshold for a finding of implied preemption.[17]

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[17] The only other statutory scheme addressing the regulation of mobilehome parks is the Mobilehome Park Act ("MPA"; Health & Safety Code §§ 18200 *et seq.*). To the extent Appellant wants to somehow argue that this Act is the authority to regulate the maintenance of mobilehome park facilities and infrastructure, it is important to note that that Act is silent on regulations during the conversion process. Furthermore, it only deals with certain aspects of regulation of infrastructure of parks. It leaves many subjects within local jurisdiction. Health & Safety Code §18300(g)(h) and

Appellant tries to confuse the issue by arguing in its Reply Brief that "mobilehome parks being converted under Section 66427.5 have already been mapped out, plotted out, approved under zoning and general plans . . ." Appellant goes on to argue that *El Dorado* has held that a change in form of ownership is not a change in use. (Reply Brief, pp. 7-8.) Appellant is confused. The discussion of the differences between a ".4" versus a ".5" conversion application contained in *El Dorado* was limited to the question of whether a developer initiated, but resident opposed, conversion application was a "change of use" when, following the date of conversion, all the units remained for residential use.

However, under the State Mobilehome Residency Law, a "change of use" occurs whenever a mobilehome park is used for any purpose other than as a rental park, and that change affects a portion of or the entire park. (Civil Code § 798.10.) In considering a local agency's exercise of its traditional police and land use powers, the broad definition of Civil Code § 798.1 for "change of use" should apply (an issue not considered or litigated in *El Dorado*).

Furthermore, the fact that a mobilehome park may have undergone a review process when it is original map was approved does not strip a local agency of its traditional land use powers in subsequent actions involving the same property. At a minimum, such local police and land us powers continue to exist so as to address changed circumstance from the time of approval of the original map and the conversion map.

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it is silent on issues such as environmental review process and other public health, safety and general welfare issues regulated by traditional police and land use powers.

The possibility of changes in a local General Plan since original map approval, changes is local zoning since original map approval, changes in the residential character of a mobilehome park since original map approval (the most notable example of which will be post-conversion changes from rental "seniors only" parks to "whomever wishes to purchase the mobilehome space park" raises such questions as the continued viability of sewer, water, and street infrastructure systems at a minimum) , and changes in the character surrounding land uses since original map approval, all cry out for local oversight and the exercise of sound land use and police powers in considering a conversion map application. To deprive a local agency of such oversight authority would be contrary to sound public policy.

C. *El Dorado* Did Not Hold That 66427.5 Preempts Local Regulation In Areas Other Than Economic Displacement.

The *El Dorado* decision does not support Appellant's challenge. El Dorado is far more limited than Appellant paints it. As the County has explained here in detail, at issue in *El Dorado* were three conditions imposed by the City of Palm Springs to protect against economic displacement. (*El Dorado, supra*, 96 Cal. App. 4th at 1157.)

There was no question that the three conditions would be pre-empted by Section 66427.5, if that section were to apply. The issue in that case was whether the application, given the resident opposition to conversion, should be deemed an application under ".4" rather than under ".5." Once the Court found that Section 66427.5 applied, there was no dispute that City of Palm Springs' conditions were pre-empted because they were imposed to protect the residents against the adverse economic impacts of the conversion.

The *El Dorado* court did not consider whether Section 66427.5 could be read, as Appellant suggests, to occupy the entire field of regulation on the conversion of mobilehome parks to resident ownership. To the extent that the court's language might appear to suggest such broad pre-emption, that language is simply dicta and is both bad law and inconsistent with the plain language and intent of the statute and must be rejected by this Court.

Appellant is wrong on relying upon *El Dorado.* It has no relevance to the issues presented in this action (specifically the "*bona fide*" issue which involves amendments to 66427.5 after the *El Dorado* opinion) and it does not constrain the Court here because *El Dorado's* conditions were economic displacement conditions whereas the County's Ordinance here does not at all try to regulate or impose conditions to protect economic displacement of residents – an area the County agrees is pre-empted by Section 66427.5.

V.

CONCLUSION

Neither Section 66427.5, nor *El Dorado*, abrogate the authority of a local agency to adopt an ordinance to implement the express terms of this section of the Government Code. Nor does anything in Section 66427.5 or *El Dorado* strip a local agency of the right to apply discretionary review under its traditional land use and/or police powers to an application for conversion of a mobilehome park to resident ownership.

The trial court properly found the Sonoma ordinance to be an appropriate implementation of Section 66427.5 and reasonable exercise of the County's authority under the Subdivision Map Act and its traditional

land use and police powers. *Amicus* respectfully request that those holdings be upheld.

Dated: October 14, 2008

Respectfully submitted,

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CERTIFICATE OF WORD COUNT

I certify that pursuant to Rule 14(c)(1) of the California Rules of Court, the attached Amici Curiae Brief was produced on a computer and contains 8,736 words as counted by the Microsoft Word 2002 word-processing program used to generate the Amici Curiae Brief.

Sunny K. Soltani

PROOF OF SERVICE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 18881 Von Karman Avenue, Suite 400, Irvine, CA 92612.

On October 15, 2008, I served the within document(s) described as:

BRIEF OF *AMICUS CURIAE* THE CALIFORNIA STATE ASSOCIATION OF COUNTIES, THE LEAGUE OF CALIFORNIA CITIES, THE CITY OF CARSON AND THE CITY OF LOS ANGELES IN SUPPORT OF RESPONDENT COUNTY OF SONOMA

on each interested party in this action as stated below:

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Linda Yarvis
(Type or print name)

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(Signature)