

Aptos mobile home park rent increase challenged

Residents of a mobile home park in Aptos will go to court Thursday to try to overturn a rental increase that they claim violates a county ordinance.

A class-action lawsuit on behalf of the residents of the Seacliff Mobile Home Park was filed in Santa Cruz County Superior Court Aug. 19 after eviction notices were sent out to 111 of the residents.

Judge Donald May issued a temporary restraining order on the evictions until the Sept. 3 hearing.

In the class-action suit, resident Richard Chinn, former Aptos Fire Chief who filed suit on behalf of the other residents, out-

lined the history of the dispute as follows:

Last January, the owners of the Seacliff Mobile Home Park informed residents that rent would be increased \$28 a month beginning in April to \$181. Of that increase, some of the money was to pay back a new utility meter system which had been installed the previous October. (The owners replaced a single meter with individual meters for each mobile home space.)

But residents complained that this part of the rent increase was in violation of County Ordinance 3027, which states that rent adjustments are allowed

for "Any change in the cost of government-required services...which include, but are not limited to, unmetered utilities supplied by the owners...Monthly rental presently includes park resident's prorated share of these costs."

Attorney James Rumble, who represents the residents, said this paragraph is the key to their claim that the owners erred in imposing a pro-rated utility cost in their rental increase.

The dispute was brought before the Advisory Committee of the Santa Cruz County Mobile Home Association last April 23, Paul Jensen, attorney for the park owners, said.

The advisory committee took the matter under submission and on May 21, ruled that the prorated utility increase was illegal under the County Ordinance. Other increases, which the residents are not protesting, were OK'd by the advisory group and are being paid by the residents.

However, on May 20, the owners said they would not abide by the advisory group's decision on the utility rate increase (the group has no power to enforce its decision).

In protest to that action, 69 of the mainly elderly residents of the mobile home park began withholding in June that portion of the increase which is in dispute.

The money, which amounted to \$11.17 for April and May, and \$9 per resident per month since then, has been held in a trust fund until the dispute is settled.

Since the residents took that action back in June, 111 of them have been threatened with eviction by owners Robert H. Anderson, Robert E. Anderson and William Whittington, all of the Bay Area.

The attorney for the park owners, Paul Jensen, said recently that the "purpose behind the owners' moves has not been to evict 69 people, but to interpret a vague portion of the (county) law."

One reason the owners filed eviction notices, he said, was that they could get a quicker decision in Municipal Court (where the eviction hearings would be held) than in Superior Court, where lawsuits are filed.

"We were concerned with the time element. The backlog of cases in Municipal Court is only four weeks as opposed to eight weeks in Superior Court," Jensen, of San Jose, said.

He said that the owners have imposed the prorated utility costs without knowing exactly how much the real costs would amount to. If it turns out there is a savings to be had for residents, the owners have promised a rental reduction, he said.

"Seacliff has a monetary stake in the outcome of the suit," Jensen said, "but we would also like to see the ordinance clarified."