

Affordable housing must be protected

Staff Report

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PROTECTING Marin's stock of affordable housing is crucial and often contentious.

The lengthy legal battle over the rent-controlled Contempo Marin mobile home park is a good example.

San Rafael passed an ordinance in 1989 to keep rents at the 396-unit park affordable. Residents own their homes, but rent the land. Park owner Equity LifeStyle Properties Inc., which is based in Chicago, wants to increase rents dramatically, more than double, to as much as \$1,925 a month.

A federal judge in San Francisco recently declared San Rafael's ordinance unconstitutional. Attorneys for the city say they expect to win on appeal, citing a ruling by the Ninth Circuit Court of Appeals in San Francisco in 2005 that upheld a similar ordinance in Cotati.

City Attorney Rob Epstein said the judge was wrong. "A similar law was upheld in the same court in Cotati. If it's legal in Cotati, it's legal in San Rafael."

We hope he's right.

The loss of nearly 400 affordable units would be a big blow to San Rafael, which is struggling to meet state mandates for such housing. San Rafael turned its back on the fight for affordable housing at the nearby St. Vincent's/Silveira Ranch sites, which would have been an ideal location. That makes

preserving affordable housing at Contempo Marin even more crucial.

Higher rents also would be a hardship for many living at Contempo Marin. Many are longtime elderly residents. These mobile homes also are not all that mobile. They aren't easily moved, even if residents could find another location.

Epstein says the stakes are high in San Rafael's legal fight because more than 100 cities in California have similar ordinances.

Not surprisingly, attorneys for the park's owner see things differently. One said homes in the park are selling for \$100,000 more than they are worth because of the rent-control ordinance.

If true, that is unfortunate and the city should look into ways to prevent such inflation, which makes those homes less affordable.

This legal battle has been dragging on for more than seven years. It needs to be resolved fairly so Contempo Marin residents can stop living in a state of uncertainty.

The park's owner argues that the ordinance only benefits a "handful" of people. That appears to be an understatement, and the city deserves credit for going to bat for these residents and for affordable housing.

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