

**From:** Nick Ubaldi <[nick@harmonycom.com](mailto:nick@harmonycom.com)>

**Sent:** Sunday, February 15, 2026 8:56 PM

**To:** Deborah Lopez <[dlopez@cityofgoleta.org](mailto:dlopez@cityofgoleta.org)>

**Cc:** Robert Nisbet <[rnisbet@cityofgoleta.org](mailto:rnisbet@cityofgoleta.org)>

**Subject:** Re: Opposition to Interim Urgency Ordinance and Senior Mobile Home Park Overlay

Dear City Clerk and Members of the Goleta City Council:

I am writing as a representative of the owners of University Mobile Home Park to formally oppose the proposal of an Interim Urgency Ordinance establishing a Senior Mobile Home Park Overlay and moratorium on conversions of senior mobile home parks to all-ages communities.

I believe this proposed ordinance and moratorium are unlawful and misguided for several key reasons:

1. **Violation of Federal Fair Housing Law** The federal Fair Housing Act (as amended) strictly prohibits discrimination in housing based on familial status, including against families with children. Mobile home parks that lease spaces fall under this protection. The law provides a narrow exemption only for genuine "housing for older persons" (55+ or 62+ communities) that meet specific requirements: the park must intend to operate as senior housing, publish and follow policies demonstrating that intent, and comply with HUD rules for age verification (e.g., reliable surveys and affidavits).

If a park like University Mobile Home Park has already changed its rules to allow all ages (following proper notice and procedures under California Civil Code § 798.25) and does not meet or intend to meet the federal senior exemption criteria, forcing it to discriminate against families would violate federal law. Courts have ruled that exemptions must be construed narrowly and that local governments cannot compel housing providers to engage in familial-status discrimination. Precedent, including cases like *United States v. Hayward* (9th Cir. 1994), shows that government actions interfering with a park's decision to open to families can be unlawful.

1. **No Valid "Urgency" Under State Law** California Government Code § 65858 allows interim urgency ordinances only to address an immediate threat to public health, safety, or welfare. There is no evidence that allowing families into mobile home parks creates any urgent emergency. In reality, California's severe affordable housing crisis makes it worse to restrict options by excluding families from available spaces. Courts have invalidated similar urgency measures when no genuine, imminent threat exists.

This proposal appears to prioritize preserving senior-only status over broader housing access and anti-discrimination principles, without justification for emergency action.

2. **Impact on Affordable Housing and Fairness** Mobile home parks provide some of the most affordable housing options in our area. Converting them permanently to senior-only, limits who can live there, reduces overall housing availability, and could harm families seeking affordable places to live. Residents who prefer seniors-only rules can still maintain that in their own spaces under current law, there is no need for city intervention that overrides private property rights and federal protections.

I urge the City Council to reject this interim urgency ordinance and any related senior overlay measures. At a minimum, ensure that any action clearly exempts parks that have lawfully converted to all-ages status. Pursuing this risks costly litigation that the city is likely to lose, diverting resources from real community needs.

Please include this letter in the public record for the February 17, 2026, City Council meeting and any related agenda items. I appreciate your consideration of these concerns and your commitment to fair, lawful, and inclusive housing policies in Goleta.

Thank you.

-Nick Ubaldi



1 enjoining the alleged unlawful operation and use by Defendants Countryside MHP LLC  
2 (“Countryside”) and Ronald A. Ubaldi (“Ubaldi”)(together “Defendants”) of the Countryside  
3 Mobile Home Park (“Park”) located at 425 West Sierra Avenue in Cotati (“Subject Property”) as  
4 an all-ages mobile home park. **The motion is DENIED.**

5 1. Injunctive Relief

6 Trial courts should evaluate two interrelated factors when deciding whether to issue a  
7 preliminary injunction. The first is the likelihood that the plaintiff will prevail on the merits at  
8 trial. The second is the interim harm that the plaintiff is likely to sustain if the injunction were  
9 denied as compared to the harm that the defendant is likely to suffer if the preliminary injunction  
10 were issued. (*IT Corp. v. County of Imperial* (1983) 35 Cal.3d 63, 69–70.)

11 2. Likelihood of Prevailing on the Merits

12 The complaint frames the issues in this case. Here, Plaintiffs allege violations of the  
13 Senior Overlay Ordinance. In order to establish such violation, they must show Defendants’  
14 failure to comply. For Defendants to prevail, they must establish either that they have complied  
15 with the Senior Overlay Ordinance, or that it is invalid as to Countryside.

16 Neither party addresses the well-known presumption that exists in this case. In passing on  
17 the validity of an ordinance or a statement it will be presumed that it is valid. (*City of Industry v.*  
18 *Willey* (1970) 11 Cal.App.3d 658, 663.) He who would claim that it is invalid must assume the  
19 burden of showing its invalidity. (*Ibid.*)

20 Here, Defendants concede that they have not been complying with the zoning  
21 requirements. Defendants start with their position that the ordinance violates the Fair Housing Act  
22 arguing Countryside was never legally operating as a seniors-only park.

23 i. FHA’s preemption of an ordinance

24 Defendants argue that the Senior Overlay Ordinance is patently unlawful because  
25 Countryside has never been a lawful seniors-only park because it never verified its residents’ ages  
26 through surveys, affidavits, or otherwise.

27 Federal law impliedly preempts a state or local law if it is impossible for a private party to  
28 comply with both local and federal requirements, or if the local law stands as an obstacle to the

1 accomplishment and execution of the full purposes and objectives of a federal law. (*Putnam*  
2 *Family Partnership v. City of Yucaipa, Cal.* (9th Cir. 2012) 673 F.3d 920, 933.) “[A]ny law of a  
3 State, a political subdivision, or other such jurisdiction that purports to require or permit any  
4 action that would be a discriminatory housing practice under this subchapter shall to that extent be  
5 invalid.” (42 U.S.C.A. § 3615.)

6 Under 42 U.S.C. § 3607(b)(1), provisions of the FHA “regarding familial status [do not]  
7 apply with respect to housing for older persons.” This Senior Exemption “permit[s] communities  
8 satisfying certain requirements to discriminate on the basis of familial status.” (*1210 Cacique*  
9 *Street, LLC v. City of Santa Barbara* (C.D. Cal., Nov. 21, 2024, No. CV 23-8152 PA (RAOX))  
10 2024 WL 5277139, at \*6.)

11 Section 3607(b)(2)(c) defines “housing for older persons” as housing:

12 (C) intended and operated for occupancy by persons 55 years of age or older, and–

13 (i) at least 80 percent of the occupied units are occupied by at least one person who is 55  
14 years of age or older;

15 (ii) the housing facility or community publishes and adheres to policies and procedures  
16 that demonstrate the intent required under this subparagraph; and

17 (iii) the housing facility or community complies with rules issued by the Secretary for  
18 verification of occupancy, which shall–

19 (I) provide for verification by reliable surveys and affidavits; and

20 (II) include examples of the types of policies and procedures relevant to a determination of  
21 compliance with the requirement of clause (ii). Such surveys and affidavits shall be admissible in  
22 administrative and judicial proceedings for the purposes of such verification.

23 In *1210 Cacique Street*, the plaintiff mobile home park sued the City of Santa Barbara  
24 alleging that its senior overlay ordinance violated the FHA because it required the plaintiff to  
25 discriminate against families with children. The City of Santa Barbara argued that the senior  
26 overlay ordinance was lawful under a senior housing exemption to the FHA’s ban on familial  
27 status discrimination.

28 Unlike in in the case of *Putnam Family Partnership v. City of Yucaipa, Cal.* (9th Cir.

1 2012) 673 F.3d 920, where it was “uncontested that [the group of plaintiffs] currently meets the  
2 requirements for the federal senior exemption and operates as senior housing,” the parties in *1210*  
3 *Cacique* disputed whether the park qualified for the Senior Exemption prior the enactment of the  
4 Senior Ordinance and its predecessor ordinances. (*1210 Cacique, supra*, at \*6.) The appellate  
5 court ruled against the park because it failed to provide any evidence that the park no longer met  
6 the senior exemption requirements by the time the city enacted its first interim ordinance. (*Id.*, at  
7 \*8.)

8 Defendants argue the Senior Overlay Ordinance is invalid as to Countrywide because they  
9 *have* provided evidence establishing Countryside was not legally operating as a senior-only park  
10 *prior* to when the City adopted the Ordinance.

11 Significantly, the court in *Putnam* noted that the outcome in that case might have been  
12 different if the ordinance required parks that did not already maintain an eighty-percent senior  
13 population or describe themselves as senior parks to become ones. (*Putnam Family Partnership v.*  
14 *City of Yucaipa, Cal.* (9th Cir. 2012) 673 F.3d 920, 927, fn. 3.)

15 Defendants rely on the unpublished federal case *Waterhouse v. City of American Canyon*  
16 (N.D. Cal., June 6, 2011, No. C 10-01090 WHA) 2011 WL 2197977. Unpublished dispositions  
17 and orders are not precedent but may be considered as persuasive. (U.S. Court of Appeals Ninth  
18 Circuit Rules, Rule 36-3.)

19 In *Waterhouse v. City of American Canyon*, the plaintiffs assumed ownership of the  
20 mobile home park on May 2, 2005. (*Ibid.*) At that time, plaintiffs conducted due diligence to  
21 make sure the park was complying with all federal, state, and local laws. (*Ibid.*) Plaintiffs thereby  
22 learned that the park had no historical surveys, affidavits, or other records to provide verification  
23 that at least 80 percent of the park’s spaces were occupied by at least one person 55 years of age  
24 or older. (*Ibid.*) According to a declaration of the park’s general manager who conducted the due  
25 diligence review, the park also did not have procedures in place for routinely determining the  
26 occupancy of each unit, had never verified whether at least one occupant was a senior in 80  
27 percent or more units, and “had never operated as” a park for seniors. (*Ibid.*) Plaintiffs  
28 endeavored to change the park rules so that the rules would be consistent with the park’s existing

1 operation as an all-age park. (*Ibid.*) The city enacted series of moratoria forbidding the conversion  
2 of what it considered a senior park to an all-age park. (*Id.*, at p. \*2.) The City notified plaintiffs  
3 that the City intended to actively enforce the ordinances prohibiting conversion. (*Ibid.*)

4         Thereafter, the city advised plaintiffs that they must, consistent with local ordinances,  
5 submit a use permit application, conversion impact report, and relocation plan to the city, prior to  
6 implementing any conversion. (*Ibid.*) After notice to plaintiffs, the city adopted a Senior Mobile  
7 Home Park Overlay Zone, to maintain senior residency status in areas that already maintain at  
8 least 80 percent senior residency. (*Ibid.*) Later that same month, the city completed its second  
9 survey of all units, which showed that, of the occupied units, 91 percent were occupied by at least  
10 one senior. (*Ibid.*)

11         Plaintiffs filed suit alleging violation of the federal FHA. (*Id.*, at p. \*3.) Plaintiffs argued  
12 that the park was never a senior park, so there is nothing to “convert,” they were simply changing  
13 the rules to be consistent with the park’s continued practice, and the city was violating the law via  
14 its ordinances. (*Ibid.*) The city countered that it has, consistent with federal, state, and local laws,  
15 solely been acting to “ensure that plaintiffs’ attempted conversion did not conflict with the city’s  
16 Housing Element polices promoting and preserving senior affordable housing. (*Ibid.*) The city  
17 argued that the park has always been a senior park, and that its ordinances have simply been  
18 protecting seniors—consistent with federal law—from plaintiffs’ attempt at conversion. (*Ibid.*)

19         The appellate court found that the city’s senior housing ordinances violated the FHA  
20 because the mobile home park never complied with the FHA’s housing for older persons  
21 exemption despite it having rules stating it was a seniors-only park. As new owners, plaintiffs  
22 attempted to amend the rules to make it clear that the park was open to all applicants on a non-  
23 discriminatory basis. “Instead, the City forced them to violate federal law by directing them  
24 specifically to lock in their discriminatory rule. The City has caused the park owners to be subject  
25 to suit by residents for violating federal law, when they are only attempting to cease violating it—  
26 as they have been for years now. The City ordinances are illegal and must be enjoined.”

27 (*Waterhouse v. City of American Canyon* (N.D. Cal., June 6, 2011, No. C 10-01090 WHA) 2011  
28 WL 2197977, at \*5 [unpublished].) “The housing for older persons exemption does not apply, as

1 the mobile-home park in question has not adhered to policies and procedures that demonstrate an  
2 intent to qualify for the exemption or maintained procedures to verify occupancy.” (*Id.*, at \*1.)

3 In making its determination, the appellate court noted that the city offered no evidence that  
4 during the time the alleged discriminatory acts took place, plaintiffs adhered to the policies or  
5 maintained any procedures demonstrating its intent to provide housing for persons 55 years or  
6 older. (*Id.* at p. \*6.) The appellate court’s independent review of the record also showed that it  
7 contained no evidence of adherence to policies and procedures demonstrating intent to provide  
8 housing for persons 55 years of age or older during plaintiffs’ ownership of the mobile-home park.  
9 (*Ibid.*) For example, the record contained no evidence of age-verification procedures to ensure  
10 compliance with the prerequisites for qualifying as housing for older persons. (*Ibid.*)

11 To qualify for HOPA’s affirmative defense, a community must satisfy all three statutory  
12 and regulatory requirements. (*Balvage v. Ryderwood Improvement and Service Ass’n, Inc.* (9th  
13 Cir. 2011) 642 F.3d 765, 777.) A community must verify the age of its residents at least once  
14 every two years; the verification must cover all housing units in the community; residents’ ages  
15 must be verified using reliable documents; a record of the verification, including copies of the  
16 relevant documentation, must be maintained in the community’s files; and the community must be  
17 able to produce that record in response to a complaint of discrimination. (*See* 24 C.F.R. §  
18 100.307(a)-(e).)

### 19 3. Countryside’s Compliance with Senior Exemption?

20 The crux of this case is whether the City can require Countryside to start complying with  
21 FEHA requirements if Countryside has not been in compliance prior to the adoption of the Senior  
22 Overlay Ordinance and interim ordinances. As the City puts it in reply, all Countryside needs to  
23 do is to “revert” back to a senior’s only park. However, if Countryside had never complied with  
24 FHA requirements, requiring it to start complying with these requirements would place new  
25 burdens on Defendants. Case law appears to establish that the City can only *continue* to require  
26 FHA compliance. It cannot mandate new compliance. In other words, the Senior Overlay  
27 Ordinance cannot be applied retroactively.

28 In order to protect the senior-only status of the Park, on September 12, 2023, the City

1 adopted the Interim Urgency Ordinance Prohibiting the Conversion of Senior Mobilehome Parks  
2 (“Interim Ordinance”). (Housh decl., ¶17, Exhibit E.) On October 24, 2023, the Interim  
3 Ordinance was extended. (*Ibid.*) On December 12, 2023, the amendment creating the MHP-S  
4 Overlay Zone, Ordinance No. 923 (“Senior Overlay Ordinance”), was validly adopted by the City  
5 Council. (Housh decl., ¶21, Exhibit F.) On January 11, 2024, Title 17 (Land Use) of the Cotati  
6 Municipal Code (“CMC”) was officially amended to incorporate the MHP-S Overlay Zone and its  
7 attendant requirements for senior mobile home parks in the City. (*Ibid.*)

8 Pursuant to CMC section 17.28.030, existing senior mobilehome parks and senior  
9 mobilehome parks developed and permitted after the adoption of the MHP-S overlay zone must  
10 *remain* senior mobilehome parks. (CMC section 17.28.030(A).) The MHP-S overlay zone  
11 designation applies to senior mobilehome parks that *existed* in Cotati as of September 12, 2023,  
12 and any senior mobilehome parks proposed and permitted following that date. One hundred  
13 percent of the spaces or mobilehomes in mobilehome parks in the MHP-S overlay zone must be  
14 occupied by at least one person fifty-five years of age or older. (CMC section 17.28.030(C)(2).)  
15 Thus, the language of the Senior Overlay Ordinance itself is not retroactive.

16 As noted by Defendants, the senior exemption is construed narrowly because the primary  
17 goal of the FHA is to prohibit discrimination, including on the basis of familial status. The senior  
18 exemption is just that — a limited exemption. (*Putnam Family Partnership v. City of Yucaipa,*  
19 *Cal., supra*, 673 F.3d at p. 931.) Here, the evidence is insufficient to establish that the Park was  
20 ever in compliance with all of FHA’s requirements to be considered exempt.

21 While there is evidence of Countryside’s intent to operate as a senior facility, there is little  
22 evidence of actual compliance with the mandates of the FHA Senior Exemption. The 2010 Park  
23 Rules and Regulations effective March 30, 2010, establish that the Park was intended to be  
24 operated as housing for older persons with at least one person aged fifty-five or older being a  
25 tenant. (Plaintiffs’ Evidence., Exhibit B.) Through September 2023, a sign at the entrance of the  
26 Park stated it was “for senior citizens.” (Housh decl., ¶11, Exhibit D.) When the Park was listed  
27 for sale in 2012 before Defendant Countryside purchased the Park, the listing provided that the  
28 Park was a rent controlled senior mobile home park. (*Id.* at Ex. C.) A majority of the residents in

1 the Park are in their 60s, 70s, or 80s, and many of the residents have lived in the Park for years.  
2 (Housh Decl. at ¶ 12.) The Park’s residents entered their leases and continued to reside at the Park  
3 in reliance of the representations made by Defendant Owners that the Park is “senior only.”  
4 (Resident Declarations.) As noted in reply, Countryside’s 2016 Lease Agreement explicitly stated  
5 that the Park is an “Equal Opportunity Fair Housing Community for Older Persons,” it  
6 incorporates the Park’s Rules and Regulations, and requires that the lessee “agrees to comply with  
7 all Park rules and regulations that now exist.” (*Id.*, Ex. S, pp. 1-2.)

8 The City argues it defies logic that Countryside did not verify ages when residents entered  
9 into leases. However, even if they did verify ages, that does not establish “procedures for  
10 routinely determining” by “reliable surveys and affidavits” age verification “every two years.”  
11 (See 24 C.F.R. § 100.307.)

12 Defendant Ubaldi took over daily management of the Park in 2022, when Harmony  
13 Communities, a property management company, took over Countryside’s management. (*Id.*, ¶3.)  
14 When it took over management of the Park, Harmony performed due diligence and advised  
15 Countryside that the Park had not been operating lawfully as an “older persons” park. (*Id.* at ¶5.)  
16 Harmony recommended that Countryside come into compliance with federal anti-discrimination  
17 laws by opening up the Park to all ages. (*Ibid.*)

18 This court previously discussed the timeline for the implementation of the Senior Overlay  
19 Ordinance and when the Park “became” an all-ages park. That discussion assumed Countryside  
20 had been operating the Park as a senior facility in compliance with FHA. As noted, pre-ordinance  
21 compliance has not been established. Thus, that line of inquiry is premature.

#### 22 4. Relative Burdens

23 As the evidence does not establish that Countryside was complying with Senior  
24 Exemption requirements prior to the City’s enactment of the subject ordinances, the interim harm  
25 weighs in Countryside’s favor because an injunction would require it to start complying with  
26 FHA exemption requirements that it has not yet done.

#### 27 5. Objections

28 Both parties filed objections. Even if all objections were sustained, it would not change

1 the outcome of this motion. Therefore, the court declines to rule on the objections.

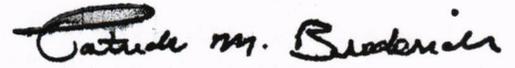
2 6. Conclusion and Order

3 The motion is DENIED. Plaintiffs have not established a probability of prevailing on the  
4 merits. The facts do not establish that Countryside met the Senior Exemption requirements to  
5 legally operate the Park as an FHA exempt senior facility prior to the implementation of the  
6 Senior Overlay Ordinance and Interim Ordinance, which do not apply retroactively. Therefore,  
7 the relative harms weigh in the Defendants' favor.

8 IT IS SO ORDERED.

9

10 Dated: September 5, 2025



11

---

PATRICK M. BRODERICK  
Superior Court Judge

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

## PROOF OF SERVICE BY ELECTRONIC MAIL

I certify that I am an employee of the Superior Court of California, County of Sonoma, and that my business address is 3055 Cleveland Avenue, Santa Rosa, California, 95403, and my email address is [donotreplyjudicialassistant@sonomacourt.org](mailto:donotreplyjudicialassistant@sonomacourt.org); that I am not a party to this case; that I am over the age of 18 years; that I am readily familiar with this office's practice for collection and processing of correspondence for electronic mailing; and that on the date shown below I placed true copies of the **ORDER AFTER HEARING JULY 30, 2025 – MOTION FOR PRELIMINARY INJUNCTION** and noted attachments by electronic mailing to each addressee respectively as indicated below.

Date: September 9, 2025

Robert Oliver  
Clerk of the Court

By: Sarah Helstrom  
Sarah Helstrom, Deputy Clerk

-ADDRESSEES-

Matthew R. Silver  
[msilver@civicalaw.com](mailto:msilver@civicalaw.com)

Sean Morrissey  
[smorrissey@civicalaw.com](mailto:smorrissey@civicalaw.com)

Paul J. Beard, II  
[paul.beard@pierferd.com](mailto:paul.beard@pierferd.com)

Garrick Vanderfin  
[gvanderfin@polsinelli.com](mailto:gvanderfin@polsinelli.com)



PIERSON FERDINAND

PAUL BEARD II  
PARTNER

453 S. Spring St., Ste. 400-1458  
Los Angeles, CA 90013  
Direct: 818-216-3988  
Email: paul.beard@pierferd.com

November 1, 2024

**VIA ELECTRONIC MAIL**

Board of Supervisors  
Santa Barbara County  
Email: sbcob@countyofsb.org

**Re: Public Hearing Item No. 5 (Moratorium to Prohibit Conversions of Mobile Home Parks to All-Ages)**

Dear Supervisors,

This law firm represents Del Cielo Manufactured Housing Community, LLC (“Del Cielo MHC, LLC”), which owns Del Cielo Mobile Estates (“Del Cielo”), a mobile home park located in unincorporated Santa Barbara County. This comment letter concerns Item No. 5 on the agenda for the County Board meeting set for Tuesday, November 5.

The proposed moratorium, which purports to force Del Cielo to convert to a “seniors only” park, is illegal under federal and state laws. If the County were to adopt the moratorium with the intent of enforcing it against Del Cielo,<sup>1</sup> the County would be inviting a costly and time-consuming lawsuit. We are confident we would prevail in such a challenge, making us entitled to Del Ciel’s costs and attorneys’ fees. (Civ. Proc. Code § 1021.5 (allowing the award of attorneys’ fees to prevailing plaintiff in public-interest litigation)). (Earlier this year, we filed lawsuits against the Cities of Petaluma and Cotati after they unwisely enacted senior-overly ordinances purporting to convert our clients’ “all ages” parks into “seniors only” parks. The Sonoma County Superior Court overruled the cities’ demurrers, and the Court of Appeal denied the cities’ emergency appeals.<sup>2</sup>)

We urge the County to reject the path of litigation, and drop the moratorium and all efforts to prohibit parks—including Del Cielo—from discriminating against families and from serving all members of the community.

**Today, Del Cielo Is Lawfully Operating As an All-Ages Park**

With adequate notice to and consultation with residents, mobilehome parks in California have the right to amend their rules and regulations, including rules concerning resident-eligibility criteria. (Civ. Code § 798.25). Under that statutory authority, and in exercise of its rights, Del Cielo

---

<sup>1</sup> Del Cielo can only assume that the County will enforce the moratorium and any subsequent senior overlay ordinance against it, because in staff’s materials in support of the moratorium, staff lists Del Cielo as one of the targeted parks.

<sup>2</sup> *Youngstown MHP LLC v. City of Petaluma*, Sonoma County Superior Court, Case No. 24CV00250; *Countryside MHP LLC v. City of Cotati*, Sonoma County Superior Court, Case No. 24CV00804.



Page 2 of 7

undertook the long and costly process of changing its park rules to expressly allow people of all ages to apply for residency at the park:

- Residents received notice of the proposed rule change on April 16, 2024.
- A meeting with residents regarding the proposed rule took place on May 13, 2024.
- The final rule—allowing all ages at the park—was adopted and mailed to residents on May 14.

It should be noted that, while park rules once stated that the park was a “seniors only” park, none of the leases executed at the park ever guaranteed that the park would perpetually *remain* a “seniors only” park. And, indeed, the park never verified the ages of its residents as required by federal law to maintain legal status as a “seniors only” park.

The new park rule allowing all ages to apply will become effective as to *non-consenting* residents on November 16, 2024 (six months after the May 13 meeting day with residents). (Civ. Code § 798.25(b)). However, the new rule already became effective as to *consenting* residents, as well as to applicants desiring to reside at Del Cielo, immediately following that May 13 meeting. (*Id.*). It is worth underscoring that unlike other rule changes that a mobilehome park might propose, the new rule allowing all ages to reside at the park did not alter any contract or other rights held by existing residents; if anything, the new rule is a boon to residents who are now able to house, and rent or sell their homes to, a much wider array of individuals. Residents who did not consent to the rule change are free to house, or rent or sell their homes to, seniors only. Such residents are not bound by the new rule and are free to ignore it.

**If Adopted and Enforced Against Del Cielo,  
the Moratorium Would Violate State and Federal Law**

For the reasons explained in detail below, the moratorium, as applied to Del Cielo, would violate federal law prohibiting housing discrimination against families. It would also violate state law concerning urgency ordinances.

**A. Federal Law Prohibits Parks from Discriminating Against Families**

As originally enacted, the federal Fair Housing Act prohibited, among other things, discrimination in the rental or sale of a dwelling on the basis of race, color, religion, sex, or national origin. 42 U.S.C. § 3604(a). In 1988, Congress enacted the (“FHAA”), which amended the Fair Housing Act to prohibit discrimination on the basis of familial status. (42 U.S.C. § 3604). The amendments defined “familial status” as “one or more individuals (who have not attained the age of 18 years) being domiciled with—(1) a parent or another person having legal custody of such individual or individuals; or (2) the designee of such parent or other person having such custody, with the written permission of such parent or other person.” (*Id.* § 3602(k)). The prohibition applies to a mobilehome park that leases spaces to mobilehome owners.



The FHAA's prohibition does not apply to "housing for older persons." *Id.* § 3607(b)(1). This so-called "senior exemption" "permit[s] communities satisfying certain requirements to discriminate on the basis of familial status." (*Balvage v. Ryderwood Improvement & Serv. Ass'n*, 642 F.3d 765, 769 (9th Cir. 2011)). The senior exemption is an affirmative defense, which the discriminating defendant has the burden of proving. (*Id.* at 776 (citing *Massaro v. Mainlands Section 1 & 2 Civic Ass'n*, 3 F.3d 1472, 1475 (11th Cir. 1993))). Such a defendant must show all "exemption" requirements were met *at the time of the alleged discriminatory act*—in this case, at the time of County's enactment of the moratorium that purports to mandate housing discrimination against families. (*Id.*)

As amended by the Housing for Older Persons Act of 1995 ("HOPA"), federal law defines "housing for older persons" to include housing "intended for, and solely occupied by, persons 62 years of age or older." It also includes housing "intended and operated for occupancy by persons 55 years of age or older" if "(i) at least 80 percent of the occupied units are occupied by at least one person who is 55 years of age or older; (ii) the housing facility or community publishes and adheres to policies and procedures that demonstrate the intent required under this subparagraph; and (iii) the housing facility or community complies with rules issued by the [U.S. Housing and Urban Development ('HUD')] Secretary for verification of occupancy, which shall—(I) provide for verification by reliable surveys and affidavits; and (II) include examples of the types of policies and procedures relevant to a determination of compliance with the requirement of clause (ii). Such surveys and affidavits shall be admissible in administrative and judicial proceedings for the purposes of such verification." (42 U.S.C. § 3607(b)(2)). As provided for under 42 U.S.C. § 3607(b)(2), if a "housing facility or community"—such as a mobilehome park—lacks the intent to invoke the "older persons" exemption from the prohibition on "family status" discrimination, and has not otherwise complied with HUD rules regarding verification of occupancy by older persons, then the exemption does not apply, and federal law prohibits the park from engaging in "familial status" discrimination in the leasing of park spaces.

A park that does not satisfy the requirements for the "older persons" exemption, but nevertheless is compelled to discriminate against families with children, violates federal law and exposes itself to substantial legal liability. Among other things, the park may be subject to federal investigation and administrative enforcement, and state or federal litigation filed by aggrieved persons (e.g., families denied park spaces) or the federal government. (42 U.S.C. §§ 3610, 3613, 3614). Such actions can result in serious penalties, including actual and punitive damages. (*See, e.g.*, 42 U.S.C. §§ 3613(c), 3614(d)). "[A]ny law of a State, a political subdivision, or other such jurisdiction that purports to require or permit any action that would be a discriminatory housing practice under this title shall to that extent be invalid." (42 U.S.C. § 3615).

On pain of prosecution, the County's proposed moratorium would require Del Cielo to become a "seniors only" park and to thereby discriminate against families with children. This, despite the fact that Del Cielo has intended to operate, and has been operating, its park as an *all-ages* park, and has never been entitled to invoke the senior exemption under federal law; again, to



Page 4 of 7

invoke the exemption, the housing provider must have the intent to operate as a “seniors only” park and periodically verify the ages of its residents to ensure that the park is in fact operating as such—criteria that Del Cielo, the housing provider in this case, does not satisfy. 42 U.S.C. § 3607(b)(2) (requiring age-verification to invoke the senior exemption under federal law)). The County’s proposed effort to nevertheless compel Del Cielo to engage in familial-status discrimination violates the federal prohibition against familial discrimination. (42 U.S.C. § 3617).

The Ninth Circuit’s decision in *United States v. Hayward* (9th Cir. 1994) 36 F.3d 832 is instructive. Following the FHAA’s enactment prohibiting discrimination based on familial status, a mobilehome park owner in the City of Hayward terminated the park’s adults-only status. In response, the city passed a law requiring the owner to reduce the rent to tenants. The United States sued the City of Hayward in federal court, and the Ninth Circuit concluded that “the rent reduction constituted interference with the mobilehome park owner on account of its action in encouraging families with children to live in the park.” (*Id.* at 835). Significantly, the Ninth Circuit held: “Exemptions from the Fair Housing Act are to be construed narrowly, in recognition of the important goal of preventing housing discrimination.” (*Id.* at 837). Like the City of Hayward, the County seeks to interfere with Del Cielo’s completed conversion, consistent with federal anti-discrimination law, to an “all ages” park by passing a law forcing it to discriminate. The County’s moratorium could not survive section 42 U.S.C. section 3617, especially as the senior exemption must be “construed narrowly.”

County counsel is likely to urge you to ignore federal law and the *Hayward* decision. Counsel may argue that it does not matter that Del Cielo lacks the requisite intent to operate—and in fact does not operate—as “housing for older persons.” All that matters, your counsel are likely to argue, is the **County’s** intent and desire to have mobilehome parks within its jurisdiction discriminate against families. Some municipalities who have enacted senior overlay ordinances have relied on another Ninth Circuit decision, as well as a Housing and Urban Development (“HUD”) regulation cited therein, to shield their illegal acts. That Ninth Circuit decision—popular among such municipalities—is *Putnam Family Partnership v. City of Yucaipa* (9th Cir. 2012) 673 F.3d 920. But *Putnam* would not shield the County’s moratorium or any subsequent senior overlay ordinance.

*Putnam* involved a city law requiring an **existing** “seniors only” park that had the requisite intent and operated as such to **remain** a seniors-only park. As the Ninth Circuit in *Putnam* explained, “Putnam currently meets the requirements for the federal senior exemption and operates as senior housing,” in part because “an eighty-percent senior population, adherence to published policies and procedures, and compliance with HUD age-verification rules . . . are currently met.” (*Putnam*, 673 F.3d at 927 n.3). The Ninth Circuit decided to “leave . . . for another day” the question of whether an “all ages” park—such as Del Cielo—could be forced to engage in familial-status discrimination in violation of federal law.

At least one federal court has answered that question. In *Waterhouse v. City of American Canyon*, No. C 10-01090, 2011 U.S. Dist. LEXIS 60065, 2011 WL 2197977 (N.D. Cal. June 6,



2011), the City of American Canyon enacted moratoria preventing a “seniors only” mobile-home park from changing its status to an all-age park. Although, like Del Cielo, the park had a policy limiting its occupancy to elderly residents, it had never taken any steps to enforce that restriction and frequently had a substantial population of nonelderly residents. The district court concluded that, because the park did not qualify for the HOPA exemption at the time the moratoria were enacted, the city’s policies could not qualify for the exemption. Like American Canyon, the County here cannot invoke HOPA’s senior exemption.

Even if *Putnam* were applicable to Del Cielo’s circumstances, the decision’s reasoning is flawed. Finding the FHAA ambiguous as to its senior-exemption provision, and invoking the now-overruled<sup>3</sup> judicial-deference doctrine in *Chevron, U.S.A., Inc. v. Natural Res. Def. Council, Inc.*, 467 U.S. 837, 842-43 (1984), the court in *Putnam* just blindly deferred to HUD’s interpretation (as reflected in a regulation) purporting to make “[a] municipally zoned area” a kind of “housing facility or community” that can qualify for the senior exemption. (*Putnam*, 673 F.3d at 928-29). Conceding the lexical difficulty of equating a government-zoned area as a “housing facility,” the *Putnam* court nevertheless found that a government entity can invoke the senior exemption because of deference to HUD. (*Id.*).

The statutory provisions governing the senior exemption are unambiguous. When Congress replaced “owner or manager” with “housing facility or community,” it did not change the fact that the senior exemption can be invoked only by ***a person or entity that actually provides housing***. Of course, a government agency may own and operate a housing facility or community, but that is decidedly not the case here. The County does not own any mobilehome parks, including Del Cielo, which is privately owned and operated. To argue that the County nevertheless is a “housing facility or community” is to do violence to those statutory terms and to deprive them of their “ordinary and usual meaning.” (*In re Friend* (2021) 11 Cal.5th 720, 730 (“When we interpret statutes, we usually begin by considering the ordinary and usual meaning of the law’s terms, viewing them in their context within the statute.”)). Other text in the senior exemption points in the same direction. The 1995 amendments explicitly address the issue of intent, and specify that the relevant intent remains, as before, that of the on-site housing provider. Only the housing provider can publish and adhere to on-site “policies and procedures” that Congress has tied to the intent rule ever since 1988. Governments write laws, not “policies and procedures” for a “housing facility or community.”

## **B. Under State Law, the County Can Establish No “Urgency”**

The moratorium would also violate state law. Government Code section 65858(a) authorizes a county to enact an “urgency” ordinance under limited circumstances.” That provisions

---

<sup>3</sup> This past term, the United States Supreme Court overruled *Chevron*. See *Loper Bright v. Raimondo*, 144 S. Ct. 2244 (2024)., and *Relentless v. Department of Commerce*, No. 22-1219. The upshot is that courts are no longer to defer to federal agencies in their interpretation of federal statutes.



Page 6 of 7

states: “Without following the procedures otherwise required prior to the adoption of a zoning ordinance, the legislative body of a county, city, including a charter city, or city and county, to protect the *public safety, health, and welfare*, may adopt as an urgency measure an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time.”

Courts have struck down municipal urgency ordinances based on false or unsupported declarations of public emergencies that do not exist. (*See, e.g., California Charter Schools Assn’s v. City of Huntington Park* (2019) 35 Cal. App. 5th 362 (a city’s urgency ordinance to prohibit new charter schools was invalidated under section 65858 because “mere inquiries, requests, and meetings [on establishment and operation of charter schools] do not constitute a current and immediate threat”); *Building Indus. Legal Defense Fund v. Superior Court* (1999) 72 Cal. App. 4th 1410 (invalidating an ordinance enacted under section 65858 prohibiting the formal processing of land use applications on the ground that the threat posed by the development was not imminent).

This is one of those cases where the County is invoking section 65858 under the false pretext of a public-health or public-welfare emergency. Nothing in the materials presented by staff in support of the moratorium establishes that making housing available to all ages is a “public safety, health, and welfare” problem, let alone an “urgent” one requiring a moratorium. Indeed, given the affordable-housing crisis, the exact opposite is true: A law purporting to *restrict* housing to a small subset of the jurisdiction’s community imperils the general public’s health and welfare, especially because the law shuts out qualified individuals—including families with children—from affordable-housing options, like Del Cielo.

### III. CONCLUSION

The County should reject the moratorium. At a minimum, it should make clear that, as a lawful “all ages” park, Del Cielo is not among the existing “seniors only” parks to which any such moratorium or subsequent senior-overlay ordinance would apply.

Very truly yours,



PIERSON FERDINAND

---

PAUL BEARD II  
Attorneys for Del Cielo MHC LLC



Page 7 of 7

Cc: Supervisor Das Williams ([SupervisorWilliams@countyofsb.org](mailto:SupervisorWilliams@countyofsb.org))  
Supervisor Laura Capps ([LCapps@countyofsb.org](mailto:LCapps@countyofsb.org))  
Supervisor Steve Lavagnino ([Steve.Lavagnino@countyofsb.org](mailto:Steve.Lavagnino@countyofsb.org))  
Supervisor Joan Hartmann ([JHartmann@countyofsb.org](mailto:JHartmann@countyofsb.org))  
Supervisor Bob Nelson ([Nelson@bos.countyofsb.org](mailto:Nelson@bos.countyofsb.org))  
County Counsel Rachel Van Mullem ([rvanmull@countyofsb.org](mailto:rvanmull@countyofsb.org))

---

**From:** Linda Metcalfe <[metcalfelinda4@gmail.com](mailto:metcalfelinda4@gmail.com)>  
**Sent:** Monday, February 16, 2026 12:18 PM  
**To:** Lucy Graham <[lgraham@cityofgoleta.org](mailto:lgraham@cityofgoleta.org)>  
**Subject:** University Park

## Impact statement for the Feb 17th Council Meeting University Park Senior community.

For the motion in front of the council to change University park to a family park, I would like to take this opportunity to list several concerns that should be taken into consideration.

1. This park has no sidewalks, lighting or open spaces, not even any guest parking.

2. Most of the home sites have parking for 1 car. Their only open space is a porch.

Yes, families deserve the opportunity for affordable housing.

But at what cost?

The displacement of long term fixed income senior residents to accommodate new more affluent residents in a community without the infrastructure set up to accommodate their needs does not make sense.

University Park has always met its goal of providing a safe haven for our senior community. Compact living with easy accessibility to healthcare, groceries, restaurants, senior center and transportation when driving is no longer an option.

I strongly encourage a site visit to assess the negative and dangerous impact this decision would have on the park residents and surrounding business. Also a review of Harmony's seemingly disregard of the established rules and regulations to keep our seniors housed and safe.

