

# Palo Alto: Housing Authority could try to use eminent domain to retain mobile home park

*The Mercury News, Peninsula, by Jacqueline Lee, Daily News Staff Writer*

*Posted: 06/15/2016 12:53:45 PM PDT | Updated: about 8 hours ago*

PALO ALTO -- The Housing Authority of the County of Santa Clara will join the fight to preserve Buena Vista Mobile Home Park and it is ready to exercise eminent domain if owners choose not to sell, officials announced Wednesday.

The authority proposes spending \$250,000 in federal funds on pre-acquisition activities, Katherine Harasz, the agency's executive director, said at a news conference at Palo Alto City Hall.

After a new market appraisal of the property at 3980 El Camino Real -- Palo Alto's only mobile home park -- the agency plans to re-engage owners Toufic and Eva Jisser in sale negotiations, Harasz said.

If negotiations are not successful, Harasz said the housing authority will consider eminent domain -- a process that would allow it to seize the property for just compensation.

The legal proceeding is a last resort to help state and federal agencies improve public infrastructure, preserve open space and set aside land for affordable housing, Harasz said after the news conference.

"That's why we've only used it so sparingly," Harasz said. "But this is a critical community issue. There are few opportunities for affordable housing in Palo Alto."

Preserving the mobile home park would permanently retain 117 affordable housing units in the county's stock, contributing to the housing authority's mission of "keeping people in their homes and out of homelessness," Harasz said.

"Affordable housing is a public resource," she said. "I think it's very important to the fabric of our community: People need a place to live ... keeping people out of homelessness. This is a community concern."

The Jissers' attorney, Larry Salzman, of the Pacific Legal Foundation, said in a phone interview with The Daily News on Wednesday that taking one private owner's property and turning it over for the benefit of another group of private citizens is a violation of the Fifth Amendment because the property won't actually be for public use.

"I don't see how anyone's property in Silicon Valley is safe on that rationale," Salzman said. "The alleged justification that the county just needs more affordable housing justifies virtually taking anyone's property and turning it into affordable housing."

The government taking of the property would not be for a public use such as a school or a road, Salzman said.

"Cities always say they will use eminent domain as a last resort but what they're really saying is, 'Give up your property or we'll take it from you,' "Salzman said. "It's not right."

When asked whether there is a figure that would make the Jissers sell their property, Salzman said he did not want to speak for them about that.

Salzman said his understanding is that the Jissers want to close the park to develop the land for other purposes, and keep the land in the family.

"There's no for sale sign on the park," Salzman said.

He confirmed the Jissers got a phone call from County Supervisor Joe Simitian advising them of the news conference, but he has not yet heard full remarks from the event.

"Usually when people begin good faith negotiations they begin with an offer and not with a threat," Salzman said.

The housing authority previously used eminent domain to acquire commercial parcels in Palo Alto where the Opportunity Center now provides affordable housing for single residents and families who otherwise would be homeless.

The course of action is dependent on a memorandum of agreement between the authority's commissioners and city and county officials, which have set aside a combined \$29 million to buy the property.

The partnership caps contributions from the city and county at \$14.5 million each, with additional "gap funding" to come from the housing authority, Simitian said.

Palo Alto Mayor Pat Burt said the council had unanimously approved the \$14.5 million and he said it's likely there also will be "strong support this time around."

The county's Board of Supervisors will consider the agreement at a meeting on Tuesday. Palo Alto council members are scheduled to vote on the memo on June 27 and the housing authority on June 28. The housing authority, a governmental entity with a board of commissioners that is appointed by the county, oversees 2,600 affordable housing units in the county.

Erika Escalante, a resident of the mobile home park and president of the residents association, lauded the plan.

"It looks like there will be a light at the end of the tunnel," said Escalante, who was at the news conference with a handful of other mobile home park residents.

The Jissers applied to close the park in 2012 and the city approved the closure in 2015 on condition that \$8 million in relocation assistance would have to be paid to the park's 400 mostly low-income Latino residents.

Salzman and the Pacific Legal Foundation filed a lawsuit in November on the Jissers' behalf, alleging that the city violated their constitutional rights by requiring a "staggering financial demand" in relocation costs.

The city has said that the Jissers' case lacks merit and is not timely, and asked for dismissal of the lawsuit filed in U.S. District Court Northern Division of California. Judge Edward J. Davila took the case under submission at the end of May after hearing from both sides.

The Jissers' son, Joe Jisser, indicated after the May court hearing that the family is not interested in selling the property.

Salzman said the elder Jissers want to retire and close the park to develop the land for other purposes.

County Supervisor Joe Simitian called Wednesday's announcement a "game changer."

"I'm more optimistic today than I have been in the last 18 months," Simitian said at the end of the news conference.

Simitian and Harasz declined to offer an estimate of the property's value or how much the county's housing authority is prepared to spend in negotiating and purchasing.

A stumbling block in any plan to purchase the property could be in determining its value. The last appraisal, done in 2013, has been disputed. That appraisal produced two figures: \$14.5 million as is, when valued as a mobile home park; and approximately twice that much when based on the "highest and best use for multi-family housing development," as the underlying land value if vacant.

The city also faces a lawsuit from Buena Vista residents.

The Buena Vista Mobile Home Park Residents Association sued the city in August to overturn its decision to allow the park's closure and, at a minimum, for a larger relocation assistance package.

*Email Jacqueline Lee at [jlee1@bayareanewsgroup.com](mailto:jlee1@bayareanewsgroup.com) or call her at 650-391-1334; follow her at [twitter.com/jleenews](https://twitter.com/jleenews).*