



# Jefferson County West Virginia

Public Information

*This is an unofficial document submitted to the County Commission to address the need for relieving child-less seniors from paying an impact fee when they buy a new mobile home. I have some concerns with the vulnerability of persons living in such communities to the raising of other 'living' fees, such as gas, electricity, garbage etc.*

TO: County Commission

FROM: Jim Surkamp, David Leas, owner Cambridge Manufactured Homes (members of Affordable Housing Committee)

RE: DRAFT PROPOSAL: School Impact Fee Exemption Persons 65+ For New Mobile Home,

The 2000 Census shows 2676 owned households in the county with a person, aged 65 years or older.

Typically a widow or elderly person living alone eventually finds their home and property increasingly difficult to maintain. So they wish to sell this home and, with their proceeds from the sale, seek a smaller affordable residence in the county still close to friends and family.

The sharply rising costs of homes for purchase and the tendency to build new homes big with big price tags makes this desired solution almost impossible. A different solution to this human crisis is needed.

The school impact fee is presently set at \$7,122 for a mobile home, which is 85 percent of its true cost when it was formulated in 2002-3. A recalculation to current conditions would raise it significantly.

We propose that legal steps be taken to make the following scenario possible. This scenario will provide this elderly person an affordable mobile home within the county without having to pay the school impact fee. It should be noted that this elderly person would still pay school "taxes" in the form of the approved bond levy and excess levy.

Such an exemption is based on Section 1(D)(4)(d) of the Jefferson County Impact Fee Procedures Ordinance which states an exemption exists where "no impact fee shall be imposed on a use, development, project, structure, building which does not result in an increase in the demand for public facilities." In this instance we refer to a structure that does not increase demand for schooling services.

1) The owner of a proposed mobile home park or new proposed section of an existing mobile home park would be, in this proposed scenario, required to stipulate special conditions in writing on the final plat for that park or a section. This noted condition on the final plat would state that no school-age person shall live in any of the mobile homes in the park or section depicted on the plat.

The wording on the plat would read: "Each occupied lot within the property shall at all

times have as its owner one person who is 65 years of age or older or is certified as being permanently and totally disabled. A would-be owner who becomes 65 before June 30th of the following year is considered eligible. . ."; and "No lot shall be occupied by any person under the age of 19 and above the age of four."

NOTE: The definition of the eligible person described here is the same definition of eligibility given in the West Virginia Code citation for homestead exemptions. (West Virginia Code §11-6B-3)...

2) An applicant seeking to establish a new mobile home in this trailer park and who wishes to qualify for an exemption of the school impact fee must go to the Assessor's Office and demonstrate that they qualify for the homestead exemption, and this fact is recorded in the County Tax Records. .

3) The trailer park owner signs a lease with this impact fee-waived mobile home owner. The lease includes:

a) a clause saying that no child under 19 and above the age of four years of age, shall live in the mobile home in question;

b) the contract stipulates that this clause shall not be amended;

c) that this impact fee exemption is in effect only as long as the mobile home of this owner remains at the trailer park location;

d) if the elderly leasee and homeowner dies, the lot the trailer is on reverts back to an "active state," meaning a new mobile home and owner may apply to the owner of the trailer park to rent that lot for a new or old mobile home. An elderly owner of a new mobile home must reapply anew for the exemption and follow the above described procedure.

4) Remedies for Breach of Contract: It is in the interest of both the park owner and mobile home owner to comply with the lease and its clause that disallows school age children at that residence..

a) If the trailer park owner finds a school age child in an exempt mobile home, he has grounds for its owner's immediate eviction, which is stipulated in the lease.

b) The County Commission can retroactively collect pro-rated impact fees from the owner of the trailer park and holder of the broken lease, in a manner largely like the "Enforcement Lien" P. 4 SECTION 2(g) of the Proposed Conditional Exemption Ordinance" It reads as follows:

"No exemption under this Ordinance shall be granted unless the applicant/owner of the qualified residential unit shall first subject said property to the lien of a deed of trust securing the Jefferson County Commission in an amount equal to the impact fee from which the applicant/owner is seeking an exemption hereunder, plus any adjustments for time-price differentials in accordance with the requirements of W.Va. Code 7-20-5. The obligation to be secured is the requirement that the qualified residential unit remain eligible for the exemption from the date of the granting of the exemption hereunder.

"The priority of the deed of trust lien under this subsection shall be subordinate to any other deeds of trust placed upon the mobile home securing an indebtedness under which the proceeds thereof were used to first acquire, refinance, provided the new Deed of Trust does not exceed the original indebtedness, construct, enlarge or modify such residential unit.

"The form and content of the deed of trust provided in this subsection shall be of the type directed by the Jefferson County Commission and generally accepted in the real estate practice in Jefferson County, West Virginia. The Jefferson County Commission shall furnish the owner of a qualified residential unit with a release of lien, in recordable form, upon the payment of the impact fee and accrued interest.