



July 22, 2020

Dear Tina, Kathy, Victor and Carlos,

Congratulations on establishing a home owners association at Ponderosa. Since 2015, the city has actively fostered the establishment, empowerment and sustainability of these mobile home owner groups. The collective voice of manufactured home community residents is important. I am happy to see that the inclusive capacity building support provided by the city's manufactured home community consultant is serving your community.

I am troubled to hear that you and your neighbors continue to fear being forced out of your homes. This is an unnecessary fear. As I and others working with your community have repeatedly stated and written, avoiding displacement is and has always been the central goal of the Ponderosa Community Stabilization project. In fact, Ponderosa was purchased for this precise reason; to replace infrastructure that, if it were to fail, could result in wholesale displacement of your community. It is troubling that this fear persists in your community despite numerous assurances at community meetings and written assurances by the city that you may stay in your home. Some of those written assurances include:

- [Resolution No. 1217, the "Ponderosa Resolution"](#), which committed to "ensure minimal resident displacement";
- The attached letter, sent to your community last year when these same concerns were shared; and
- The annexation agreement for Ponderosa, which established the "*mobile home park use as a legal nonconforming use*", continuing that, "Mobile homes will be allowed to continue on the Property but shall not be expanded or replaced with another mobile home".

You may be unaware that mobile home pad leases are very secure legal instruments, made more secure in 2019 with the establishment of an entity responsible for enforcement of the state Mobile Home Park Act and in 2020 through the recently enacted [Mobile Home Park Act Update](#) bill. Under the Mobile Home Park Act, your lease cannot be arbitrarily terminated. Moving forward, the only reasons you or your neighbors might face termination of your lease would be:

- Nonpayment of rent;
- Failure to comply with state or local laws and rules relating to mobile homes and mobile home lots;
- Noncompliance with the Ponderosa's rules and regulations that are enforceable under the Mobile Home Park Act;
- Having made false statements on a rental application; or
- Conduct that harms or threatens property or health, safety and welfare of people or animals or that is a class 1 public nuisance.

When the security of your pad lease is considered with the assurance in the annexation agreement that mobile homes may continue, we believe you have adequate legal documentation of your right to remain in Ponderosa in your mobile home.

I urge you to revisit the attached letter from 2019. It addresses your concerns regarding your right to remain in your home, your demand for a legal document (addressed above as well), and the Ponderosa site plan.



I acknowledge the difficulty faced by three households in being required to relocate due to the siting of the detention areas. Through the planning review process, it was determined that the detention ponds would be a required element of Phase I infrastructure replacement. They will be located in the most appropriate location for such ponds – the low side of the property – with the least impacts on the overall community. We were able to work with these three households to avoid displacement from Ponderosa. They are still your neighbors. They were able to move into different mobile homes that were upgraded at no cost to the resident and all moving cost were paid for by the City. All requirements for such moves within the community are regulated by HUD and were followed through the process.

Regarding the neighbors you note who are experiencing impacts to their lots, we have worked to notify them of these impacts as they occur and to compensate them for these challenges. I am hopeful that these are the last lot impacts – they are the last ones of which we are aware at this time. However, a possibility remains that others will emerge as infrastructure replacement continues and we will communicate and work with households as they arise. Also, every home will experience disruption as homes are connected to new sewer, water and electric infrastructure. This is inconvenient, and may feel invasive, but it is also unavoidable. We have structured this work to reduce impacts as much as possible. There is certainly an opportunity for your association to ease this transition through partnership.

Related to the claim that the Mobile Home Park Act is not being adhered to, we suggest that you speak to management or project staff. We are unaware of any violation of this Act. Consistent with our guidance on page 8 of the [Manufactured Housing Protections Navigation Guide](#), we request that you “talk to the other party” – in this case Greg Gustin, your property manager, or Crystal Launder, the Ponderosa project manager, or myself – about your concern. This would give this team a reasonable opportunity to respond to your concern.

Regarding your construction-related concerns, you have been a good partner in letting us know what your construction concerns are and various members of the project team have responded to your concerns. Please continue to do this.

And finally, I want to address your COVID-19-related concerns. The Ponderosa team recognizes that COVID-19 is a concern for many of your neighbors with health issues. Please be assured that COVID-19 has been a regular topic of conversation with the construction team. We take it seriously. Attached are the COVID-19 guidance we provided to the infrastructure contractor and the mobile home disposal contractor. City inspectors are also monitoring compliance with construction worksite safety. Regarding your suggestion of delaying the process, we believe that the greater risk to your community is in delaying construction. As you are aware, the water infrastructure at Ponderosa is prone to breaking. I believe that you are aware that even last week we had another failure of existing water infrastructure that created very low water pressure, the source of the problem was identified and addressed, but these infrastructure failures will continue if there is no replacement. Since before the city purchased Ponderosa, water leaks have been a regular feature of life in your community. Mr. Gustin has worked hard to keep the current water system delivering water to your homes. We do not know how much longer it will hold out. The electric system and sewage system are also at risk of failure. The risk associated with not replacing these old systems is as real of a threat to you and your neighbors as COVID-19.

All of the construction activity around you and the change you are witnessing in the community you love must be challenging. I invite you to seek ways to reduce the sense of crisis some of you are reporting by providing them with this



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information I have shared. I invite you to work with the Ponderosa project team to troubleshoot ways to make the experience of your neighbors over the next several months as smooth as possible by maintaining open communication with the construction and project team. Living in a construction zone is not easy. When this is all over your community will emerge with new water, sewer and electric infrastructure.

Sincerely,

Kurt

**Kurt Firnhaber**  
**Director of Housing and Human Services**



# City of Boulder Housing & Human Services

March 6, 2019

Dear Ponderosa community,

I wanted to write a letter to go along with the newsletter this month. At the last RLC meeting there were many people there with good questions that we were able to answer. However, many people in the community were not there and I wanted to reach out to the whole community so everyone could hear some of these responses.

- 1) *Who in the community is this project at Ponderosa intended to serve?* The Ponderosa community was first established over sixty years ago. Many families and households have benefited from this community and many more will be served now and in the future. This project, like all affordable projects in the city is meant to serve families and individuals needing affordable housing for generations to come. As a result, we are designing and implementing this project with a lot of input from you, but also from the needs of our overall Boulder community and the future residents to live here for the next 200 years. As a result, this project will be in-line with principles of affordability, sustainability and community spaces that benefit the residents for years to come.
- 2) *When will we receive in writing from the city that we can stay in our mobile homes?* This has been given in writing several times. Just to name a few, the city council resolution that described a commitment to non-displacement of residents. Another is the Resident Guide where this is clearly defined. A more recent document is the Annexation Application made to the city on page 22. The point is that we have on multiple times stated at meetings and in writing that residents can stay in their mobile homes. The only possible exception, as we have also stated, is that there could be a small number of homes which may need to be moved within the property based on things like site drainage, detention of storm water or for infrastructure reasons. However, we will make all efforts to minimize or eliminate this. This letter stands as another document of the city's commitment for people to be able to stay in their homes.
- 3) *Why has the site plan changed from its original design that we saw?* The site plan has evolved in its design as we receive feedback from engineers in the city related to requirements for street design, site drainage, landscaping requirements, solar shading, fire and safety, and transportation requirements. We have to balance all these inputs with those that we have heard from the community. I can certainly understand the challenges with many of the changes that a new site plan design brings. The site plan is a document that balances all of these inputs as well as that of future families that will live in this community.
- 4) *Why are there so many duplexes on the site and why can't we all have a single-family home?* Over the past year we discussed different housing options. In fact, I was looking back at our first community meeting that presented first draft housing concepts, and duplexes were

included with single family detached housing. Each of the design workshops have discussed a variety of housing types and I looked at pictures yesterday of site designs from our community design workshop last year and both RLC members and community members were in the pictures, showing duplexes, triplexes and fourplexes in their site plans. The challenge has also been that the mobile homes in Ponderosa are currently too close together and that replacing them with homes, requires duplexes to be formed to allow for greater separation between buildings to create more useful open space. The new site plan will actually have more open space, which will include both private and public open space. The additional five units that are being introduced are being placed in areas of the site that currently do not have housing.

- 5) *When will we receive more information from Habitat as far as what the qualifications are?* Habitat will be presenting the financing requirements and options in later April or May. This will become more defined as progress is made on home designs. There will be options for homeownership as well as options for rent or rent to buy, based on the needs of various households. However, some people may not want to move into a Habitat home and wish to instead stay in their mobile home. It is also very important to realize that a Habitat home is a real commitment. Families wanting a Habitat home must be committed to homeownership, to working many hours to help build their home and stay committed to making affordable house payments. Habitat will be having education sessions on the financing approaches in a couple months.

Lastly, I mentioned in the meeting, our purpose on all projects in the city, including Ponderosa, is to use land wisely to be able to assist low income families that need housing in our community. While we work for the Ponderosa community, more importantly we work for the whole community of Boulder. We are tasked by the leadership of our city to provide housing by developing safe, healthy, energy efficient and well-designed communities for all our residents in need.

I hope that you will continue to ask these difficult questions, but I also hope that you will continue to engage in this process and discover the new site and imagine yourself in these places of green path ways, sidewalks lined in trees, a kitchen that looks out to a private garden, park areas along the creek and community spaces in your common house.

I would be happy to meet with you separately if further discussion would be helpful. Please feel free to contact me.

Thanks,

**Kurt Firnhaber**  
**Director of Housing and Human Services**

