Cunningham, Deborah L@DOT

From: dclausen dslextreme.com[redacted]
Sent: Sunday, August 23, 2015 7:37 PM
To: Affordable Sales Program@DOT
Cc: [redacted]
Subject: Comments on Proposed regulations

Kimberly Erickson
Division of Right of Way and Land Surveys
California Department of Transportation

8/23/15
Regarding the proposed regulations for the Department of Transportation Affordable Sales Program, I would like to make the following points:

- Section 1478 part (b) number 5 proposes that there is a "prohibition against renting the subject property with the exception…" that "if the buyer is forced to relocate temporarily because of hardship beyond the control of the buyer, subject to the approval of the Department…" This clause allows the purchaser of said property to rent out the property for 12 months within a 60 month time period, but does not define what "hardship" is. Some examples of hardship would be helpful. For example are loss of work, personal health problems or health problems of a family member, or divorce, etc. included in the definition of hardship?
- Section 1478 part (d) numbers 1-6 eliminate the 30 year restrictions and allow the affordable sales buyer to sell the house after 5 years and get 100% full equity of the house's value. Former Cal Trans tenants who purchased homes from Cal Trans in the Affordable Sales Program in the 1997 round of sales do not have such a clause and currently have 13 years left on their 30 year restrictions. This section would not be equitable and would be discriminatory against those who purchased their homes in 1997. This section should be "grandfathered" in for those who purchased homes in 1997 and Cal Trans should remove their name from the deeds of these homes as soon as this regulation is passed as these owners have 17 years of restrictions completed.
- The new regulations also allow tenants to purchase homes at an "as is" fair market value price. Tenants who purchased their homes in 1997 were denied this option and only allowed to purchase homes at the affordable sales price with 30 year deed restrictions. This is also discriminatory against those who were denied this option in 1997.
- The entire proposed regulation is illegal since it doesn't adhere to California code 11816 since this proposed regulation only address future sales of excess property and has no inclusion for those who purchased their homes according to the Affordable Sales Program in the past. It does not address the existing covenant holders. Inclusion of existing covenant holders would not only be equitable, but also adhere to this government code.

Thank you for your time and consideration.
Sincerely,
Dave Clausen