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Neglected for decades, unincorporated communities lack basic public services

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Nearly every day, Modesto Junior College student Arleen Hernandez battles an aging septic tank that backs up into her toilet and shower, bringing with it “bits of paper and chunks of mold.”

Hernandez has learned to take quick showers and work swiftly with a mop. She has also tried to fix a leaking toilet herself, but her home repair skills have been no match for an outdated system with clogged piping.

When Hernandez’s parents moved to Parklawn in 1986, they didn’t realize the extent to which their new neighborhood, an island of county land within the city of Modesto, lacks basic public services.

Parklawn is not connected to nearby city sewer lines, so Hernandez and her neighbors flush their sewage into overloaded septic tanks. There is only one short strip of sidewalk along the southern edge of the community and not enough storm drains. During heavy rains, children dodge traffic in flooded streets on their way to school in the neighborhood that locals call “No Man’s Land.”

“I’ve lived here my whole life, and when you’re a child, you don’t think it’s something big,” said Hernandez, a member of the South Modesto Municipal Advisory Council, which advises the Stanislaus County Board of Supervisors on issues regarding unincorporated communities. “But as you grow older, you start realizing that it doesn’t seem fair that people have basic needs met and you skip one community.”



MAX WHITTAKER/PRIME

Arleen Hernandez frequently has to unclog her backed-up shower because of the aging septic tank at her Parklawn home.

Not all unincorporated communities are as bereft. Some, such as Rancho Santa Fe in San Diego County or Woodside in San Mateo County, are among the wealthiest in the state.

But across California, there are hundreds of neighborhoods like Parklawn. These poor, dense and unincorporated communities on county land – which uniformly lack some combination of sewer systems, clean drinking water, sidewalks, streetlights and storm drains – have been the victim of years of government neglect.

In the East Coachella Valley, residents in mobile home parks pipe sewage into aging septic tanks and cesspools. On the outskirts of the city of Tulare, Matheny Tract residents can't tap into the city sewer treatment plant, and arsenic contaminates their well. Arsenic also taints the tap water in Lanare, a community near Fresno.

"It's like people are living in colonies of the United States," said Miguel Donoso, a longtime Latino community advocate in Stanislaus County. "Living in a Third World country, that's close to what you see here today."

In Modesto alone, there are at least four disenfranchised islands on county land – all just a quick drive from the city's busy downtown and \$55 million Gallo Center for the Arts.

Statewide, PolicyLink, an Oakland-based public policy research and advocacy institute, estimates

that 1.8 million low-income and often Spanish-speaking Californians live in unincorporated communities, many without the infrastructure that would curb gastrointestinal illnesses, respiratory disease symptoms, and other public health and safety risks.

In Parklawn and similar unincorporated communities, language barriers, legal status and a lack of political know-how have made it difficult for residents to navigate the governmental process.

“You’re looking at very small communities that are impoverished, and in many cases, (residents are) undocumented, and that puts them at a severe disadvantage,” said Assemblyman Henry T. Perea, D-Fresno. “There are very few people who want to take on these communities as a priority for a variety of reasons.”

No sewer connections

Money and jurisdiction often stand in the way of progress. Stanislaus County Supervisor Jim DeMartini, who represents Parklawn, said that in Modesto, city residents must first approve a ballot measure to provide sewer service to an unincorporated community, and then the county would have to forge a service agreement with the city. But the biggest challenge is “the cost of doing it – having to go in and completely retrofit these 50-year-old subdivisions to modern standards,” DeMartini said.

DeMartini said the county has been “working for quite a few years to upgrade and get Parklawn annexed to the city.” Since 1996, the county has spent \$23.7 million on improvements to six unincorporated areas in Modesto, including \$296,830 for Parklawn, according to county records.

But when it comes to septic tanks, county officials say those are a homeowner’s responsibility, and they step in only when they get reports that residents could be exposed to raw sewage. Last year, there were three complaints of surfacing sewage in Parklawn and 33 in all unincorporated county areas, said Sonya Harrigfeld, the county’s director of environmental resources. In the last five years, there were 205 sewage complaints in unincorporated parts of the county.

Septic tanks typically are pumped every few years. But because Parklawn lots are small and many sit on claylike soil that doesn’t drain, homeowners have to empty their tanks two to three times a year. At up to \$300 a pump, that’s not an option in a community where the median household income, according to a community survey, is \$19,000.

To ease the load on their tanks, some residents, like Francisco González, divert water from their sinks and washing machines into their yards. The water pools in open pits in the rear corners of González’s yard. To battle back rat, mosquito and cockroach infestations, he pours a liberal amount of bleach into the pits each week.

In rural areas or tony enclaves where there’s enough space and soil for wastewater to drain properly, septic tanks work well. But for public health reasons, sewer lines are the modern standard in dense developments like Parklawn. The community would not be constructed today without them.

Built on the cheap for migrant farm workers from the Deep South, the Dust Bowl, Mexico and Central America, communities like Parklawn proliferated in the 1940s and ’50s, and now they dot the entire California landscape. Some are tracked by the U.S. Census Bureau, but some are so small or re-

mote that data is scarce. Census data isn't always an accurate reflection of these communities, either.

"We don't have the kinds of hard numbers that are really useful for presenting the residents' reality or trying to secure resources, or even establishing that there is a problem to get resources to solve it," said Robin Maria DeLugan, an assistant professor of anthropology at UC Merced, who is surveying two of these communities to gauge the need for services.

Lacking official recognition

Until recently, there was little official recognition of these neighborhoods. Legislation signed by Gov. Jerry Brown in October requires government officials to consider neighboring low-income unincorporated areas in city general plans, annexation decisions and other urban planning, and it finally gives them a name: "disadvantaged unincorporated communities." Another bill, introduced this year, would allow cities and service districts to extend services to distant unincorporated communities.

PolicyLink estimates there are about 525 of these communities in the eight-county San Joaquin Valley. They can also be found across the entire state, and they take many forms: neighborhoods surrounded by cities, tracts of housing on the fringe of urban areas or a cluster of housing on rural land.

Among California's forgotten unincorporated communities, some of the starkest conditions can be found in the East Coachella Valley, not far from the resort towns of Indian Wells and La Quinta. Each spring, as many as 15,000 migrant farm workers flock there for the grape harvest.

The Garcia Mobile Home Park – home to Mexican-American landscapers, farm hands and construction workers – is a collection of dilapidated trailers and a building divided into three ramshackle and recently shuttered apartments in Thermal, just outside the city of Coachella. In the warmer



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To cut down on the water flowing into his septic tank, Francisco González diverts his washing machine and kitchen sink to open pits in the back of his yard in Parklawn. He pours bleach into the pits each week to battle back mosquitoes, rats and cockroaches.

months, as the searing heat abates in the evening, squealing children race through the streets, kicking up dust. Stereos blast ranchero music as dinners are prepared al fresco on grills and hotplates.

Until they moved in February, retired date palm worker Manuel Duarte and his wife, Alicia, had lived in the park for 12 years. As they sat at their usual perch outside their home on a late afternoon last spring, they watched a stream of sewage spurt in their yard where a shallow pipe had

burst. The stench slowly seeped into the Duarte's kitchen.

In their bathroom, effluent gurgled into the shower nearly every time they bathed. Alicia Duarte suspected that's why a large, purplish skin infection near her ankle didn't heal for more than a year.

The park, which residents refer to as Rancho Garcia, is one of dozens of mobile home parks in the area without a permit. Wastewater disposal at the park is a mystery – reportedly a makeshift network of septic tanks and cesspools. One resident pointed to a 7-foot-deep hole he dug behind his rusting trailer. That's where he pipes the sewage from his home.

Riverside County officials say the owners of the park are responsible for maintaining septic tanks, and like in Stanislaus County, they step in when they receive complaints that residents are being exposed to sewage. According to county records, there were three complaints of surfacing sewage at the park last year.

John Benoit of the Riverside County Board of Supervisors, who represents the East Coachella Valley, said the county spends a “disproportionate amount of time trying to meet the needs of disenfranchised communities.”

“We have come in after multiple decades of neglect,” he said. “It's frustrating. But you have to deal in reality, which is that some of these communities may be 15 miles from a water source, and it costs a million dollars a mile to connect.”

While the sewage fountain flowed at the Duarte's home, Hermenegildo Cabrera and his family across the street finished a dinner of tamales and soda at a table outside their trailer. With his foot, Cabrera tapped a patch of soil – about a dozen paces from where his family had just dined and a few feet from his children's tree swing – that was soggy with wastewater from a neighbor's mobile home.

“I feel bad about it,” Cabrera said in Spanish through an interpreter. “It's an economic situation, and I don't know where to go.”

Residents said the owners have been dismissive of their concerns. But Carlos Garcia, whose family owns the park, said the septic tanks work “the way they are supposed to.”

When problems are reported, they are fixed “usually within that day,” he said. “Every once in a while there's a leaky toilet or the water is left open and that's when we have a little problem.”

The mobile home park originally was a settlement for a family of laborers in the 1950s. It grew when relatives and friends – and eventually, tenants – moved trailers onto the property, Garcia said. The upgrades to obtain a county permit will cost about \$2.5 million.

“It is our responsibility, and I'm not saying it's not, but we would like to have time and some kind of help,” Garcia said. “We don't have that kind of money.”

The Garcias plan to shutter the park, and unless they contest the closure, the 40-plus tenants will need to move by October.

Residents fight for change

While some officials have been supportive, for the most part, residents have led the push for change. They have lobbied, filed lawsuits and organized their neighbors – with limited success.

While motivated, residents lack resources and access. Policy experts agree that California's lost communities have persisted for decades for two reasons: money and politics.

"As with all questions related to development in California, this is at the intersection of dirt, dollars and duties," said Peter Detwiler, retired staff director for the state Senate Governance and Finance Committee, formerly the Local Government Committee. "What appears as a land use problem is also a question of political power and governance and a question of public finance."

Just outside the city of Tulare, Matheny Tract is a pocket of about 300 homes that's bordered by cotton fields, orchards, and cheese processing factories. The median household income is about \$33,000 and residents' tap water flows from a single well with arsenic levels that exceed federal limits.

The community is vying for \$6 million in state grants and bond money for clean water projects, which would allow Matheny Tract to connect to the city's water system by 2013.

The city and Tulare County also have signed a memorandum of understanding to explore connecting Matheny Tract to the sewer system, which could cost about \$5.5 million. Residents hope the money arrives soon. They resent the irony that they can smell the nearby city sewer system but can't connect to it.

The Matheny Tract upgrades are slowly becoming a reality because residents, with the help of advocacy organizations like California Rural Legal Assistance, which provides free legal services in poor communities, banded together. They began meeting in January 2010, when they learned that the city was planning to annex a swath of county land surrounding Matheny Tract. There are no public spaces in the neighborhood, so Reinelda Palma's home became the meeting hub.

"Unity is where strength is," said Palma, the neighborhood matriarch who serves spiced homemade horchata while lap dogs and roosters mingle in her yard. "Some people don't get involved because of work or they have children, and others get used to how it is, but it's important to get mobilized to improve where we live."

The residents started showing up in force at local government meetings to make their demands. After several months, they were able to persuade local officials to make the annexation of the surrounding land contingent on connecting Matheny Tract to city water and sewer services.

It's been a crash course in civics.

"My advice to them is: Keep it up," said Tulare City Councilman Skip Barwick. "Because the squeaky wheel gets the grease."

Politics play role in struggle

For communities seeking annexation, like Matheny Tract, the hurdles aren't just financial. In some cases, residents say they prefer to maintain their country lifestyle by remaining unincorporated. In other instances, they have to battle perceptions that they aren't willing to abide by city rules and regulations.

"We up here, we keep our yards watered and mowed, we try to keep our house exteriors looking

nice, and a lot of Hispanic people, those are not their priorities, whereas it is ours, because of where we come from and how we're raised," Barwick said. "And sometimes we think, 'Why would you want to live like that?' ... They don't want a nice, clean home and no animals in their yard. They want to park their cars in the grass and do what they want to do. They don't have the same values, and trying to impose those values on them is very difficult. That's one problem when you have a diverse community."

But Barwick isn't unsympathetic to residents in unincorporated areas.

"They're concerned about making it through the day and putting food on the table," he said. "The last thing they care about is whether their septic tank is far enough from the well. ... It's hard to pass judgment on them."

Matheny Tract residents are making progress, but they remain impatient. Those who grew up there reminisce about their childhoods, about the friendships that developed from playing football in the dusty streets or hanging out as teenagers on summer nights under the neighborhood's lone streetlight. But 40 years later, they are still fighting for the same basic services their parents did.

"We are working people, and for them to ignore us bothers me," said Vance McKinney, a truck driver who lives in a royal-blue house with a well-tended lawn. "It's crazy how they overlooked us. We're not asking for nothing that we don't deserve."

Progress has been slower in Modesto, where a dozen residents living in the unincorporated islands filed a discrimination lawsuit against the city and Stanislaus County in 2004. In their complaint, residents claimed the city selectively annexed primarily white communities while ignoring Latino enclaves like Parklawn, which is about 80 percent Latino. The suit also contended that the city and county failed to provide the same level of infrastructure and services to Latino neighborhoods as they had to predominantly white ones.

County and city officials denied that race had been a factor. County Supervisor DeMartini said the \$2 million the county spent to defend itself was "money thrown away on attorneys for no benefit at all because the county is committed, especially to the sewer system, because a subdivision on septic tanks is unacceptable in today's world. There are health concerns, and some are failing."

After a seven-year court battle, the case was settled last year. As part of the deal, projects that affect public health will become a priority, so Parklawn's sewage connection moved to the top of the list.

Two months after the settlement was inked, the county secured state funding to plan for a sewer connection from Parklawn to Modesto. But it's unclear whether an additional \$8.5 million in county funds earmarked for construction will still be available now that the local redevelopment agency is being dissolved. For now, Parklawn's overloaded septic systems remain.

Community's solution backfires

Similar conditions exist in Lanare, which lacks sewer service, sidewalks and adequate storm drains. But residents' foremost concern is their tap water, which is contaminated with high levels of arsenic and, at times, E. coli.

Residents of the community, about 30 miles from Fresno, pay at least \$54 a month for non-pota-

ble water. They also spend \$25 each month on bottled water, which everyone in the neighborhood relies on, at least “until the money runs out,” said Ethel Myles, 74, who has lived in Lanare since 1954.

“We need clean water,” she said. “We stay in America, and there’s supposed to be clean water. Because we’re a little place, they don’t care about us. It makes me feel left out and without.”

Aware of the potential cancer risk and other health threats from arsenic, the community built its own water treatment facility. Their effort serves as a cautionary tale.

Lanare received \$1.3 million in federal funds and installed the plant next to the community center in 2007. But the 600 residents who live there couldn’t afford to operate it over the long term.

Costs ran up when some customers abused the unmetered system, and some farmers used treated water for irrigation and livestock. After six months, the plant was shut down and the state eventually took it into receivership in 2010.

The \$140,000 debt incurred from the plant’s short run was transferred to the local community services district and the receiver. To help pay the debt the receiver raised rates for residents, the majority of whom live in households with an average of four people and a combined income of \$41,000 a year.

A lawsuit eliminated some of the debt, but the district remains on the hook for about \$96,000.

Residents formed a group, which they call Community United in Lanare, and asked local officials for help. In July, the Board of Supervisors voted to relieve \$2,400 of the residents’ debt related to a community services district election.

Underlying the decades of inertia is an unresolved debate about who is responsible for upgrading infrastructure that threatens public health.

“Should California just pay out of its general fund to bring these communities to standard?” said Richard G. Little, director of the Keston Institute for Public Finance and Infrastructure Policy at the University of Southern California. “It’s a valid question that can be argued strongly both ways. Ultimately, it’s going to be a political decision. All of these questions need to be worked out first and foremost at a community level: What are people able and willing to pay?”

Public health suffers

With little historical attention paid to these neighborhoods, government data, including public health data, doesn’t always accurately reflect the conditions of these communities. Although it’s difficult to link ailments to specific environmental causes, physicians believe there is a connection.

Dr. Raul Ruiz, an emergency room physician and founder of the Coachella Valley Healthcare Initiative, said patients from communities like Thermal experience high rates of stroke, diabetes, hypertension, obesity and other chronic diseases that tend to be more common in low-income communities.

Poor infrastructure exacerbates bad health, he added. Cars and trucks on dusty, unpaved roads kick up sand and dirt, which can aggravate asthma or emphysema, Ruiz said. Improperly treated wastewater can cause gastrointestinal illnesses, and drinking water tainted with arsenic can lead to

learning disabilities in children.

In the East Coachella Valley communities where Ruiz practices, his organization found there is one doctor for every 8,407 residents. The U.S. Department of Health and Human Services considers an area where there is one doctor for every 3,500 patients to be medically underserved.

Ruiz said his patients, many of whom pick grapes in unforgiving triple-digit temperatures, confront health risks on a daily basis. “We are dealing with the bottom of the barrel in terms of potential health outcomes,” Ruiz said.

California Assemblyman V. Manuel Pérez, a Democrat who represents the East Coachella Valley, said he’s aware of public health problems in his district, but he’s hamstrung.

“We have Third World conditions, not only in this area, but in other areas of rural California,” Pérez said. “Some of it has to do with political will — perhaps in the past, they never had politicians willing to ensure that infrastructure goes to areas that really need it.”

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