CITY OF CHULA VISTA
MINUTES
MOBILEHOME RENT REVIEW COMMISSION

Thursday, January 24, 2013
6:00 P.M.

276 FOURTH AVENUE
CITY HALL COUNCIL CHAMBERS

CALL TO ORDER/ROLL CALL – 6:06 P.M.

PRESENT: Steve Epsten, Rudy Gonzalez, Don Johnson, Sam Longanecker, Ramon Riesgo, Marco Torres

ABSENT: Pat LaPierre (excused)

STAFF: Stacey Kurz, Senior Project Coordinator
Leilani Hines, Principal Project Coordinator
Simon Silva, City Attorney

1. APPROVAL OF MINUTES

January 19, 2012
Member Riesgo made a motion to approve the minutes. Vice Chair Longanecker seconded the motion. All members present at the 1/19/12 meeting (3-0-2) agreed to the approval of the minutes, with Johnson and Torres abstaining.

July 19, 2012
Member Johnson made a motion to approve the minutes. Member Torres seconded the motion. All members present at the 7/19/12 meeting (5-0) agreed to the approval of the minutes.

2. PROPOSED AMENDMENTS TO THE RENT REVIEW ORDINANCE (CVMC 9.50)

Staff Kurz provided a presentation; see Exhibit 1, of proposed amendments to the Mobilehome Rent Review ordinance, Chapter 9.50 of the City's Municipal Code. She presented the staff recommended changes as identified in the staff report included in the agenda packet, see Exhibit 2. Staff Kurz indicated that both the mobilehome park owners and residents had been involved in the ordinance amendment process in order to provide clarity to incoming residents on their rights and to streamline the administrative fee collection process.

Chair Gonzalez invited anyone interested in speaking on this item to submit a speaker slip and the following members of the public spoke:

Gary Mayo, Resident of Otay Lakes Lodge – Mr. Mayo indicated he supported the changes.

Penny Vaughn, President of Chula Vista Mobilehome Residents Association and GSMOL representative – Ms. Vaughn indicated her support for the proposed changes.

Nap Sellers, Park Manager Mountain View – Mr. Sellers indicated that there is confusion in the ordinance regarding the noticing requirements to "prospective buyers" and asked staff for clarification regarding the procedure for rental noticing.

Chair Gonzalez closed the public portion of the agenda item and asked for Commission discussion.

Member Gonzalez asked staff to address the issue Mr. Sellers raised. Staff Kurz replied indicating that the Commission could move forward with the Resolution as proposed and refer staff to review this

section of the ordinance to clarify the procedure for noticing buyers and propose appropriate changes to City Council.

Member Longanecker made a motion to recommend the staff recommendation and adopt the Resolution with a referral for staff to define or otherwise clarify noticing to "prospective buyers", Member Johnson seconded. All members (5-0) agreed to the recommendation and adoption of the resolution.

3. STAFF COMMENTS

None.

4. MEMBER'S COMMENTS

Member Epsten asked for clarification on his term. Staff Kurz replied indicating both ex-officio members Mr. Epsten and Mr. LaPierre's terms end June 30, 2013.

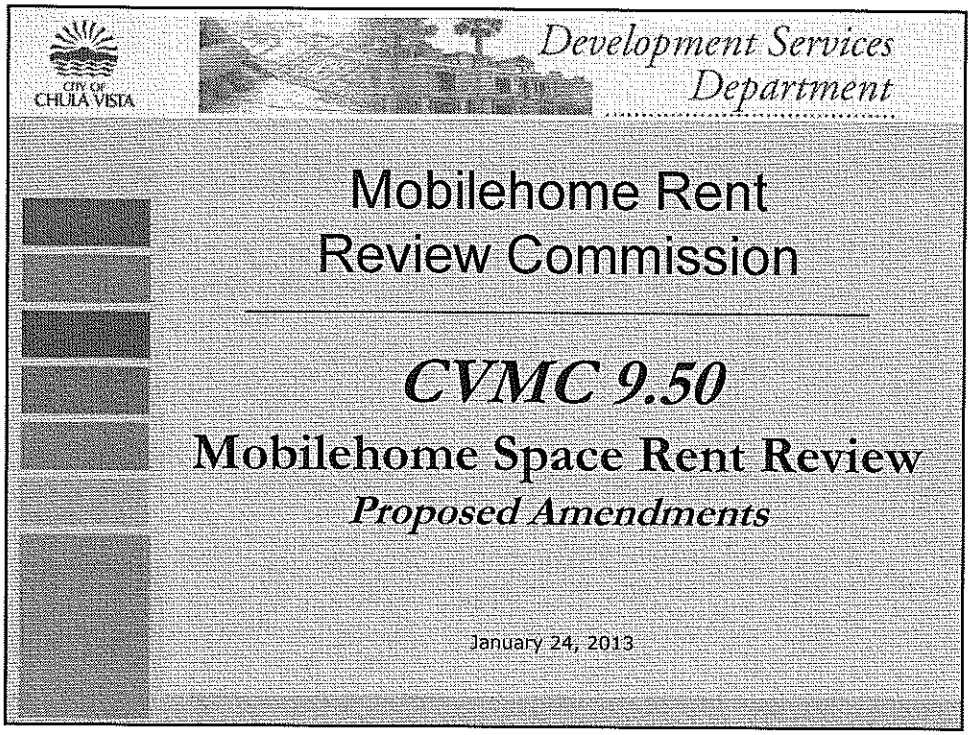
5. PUBLIC COMMUNICATIONS

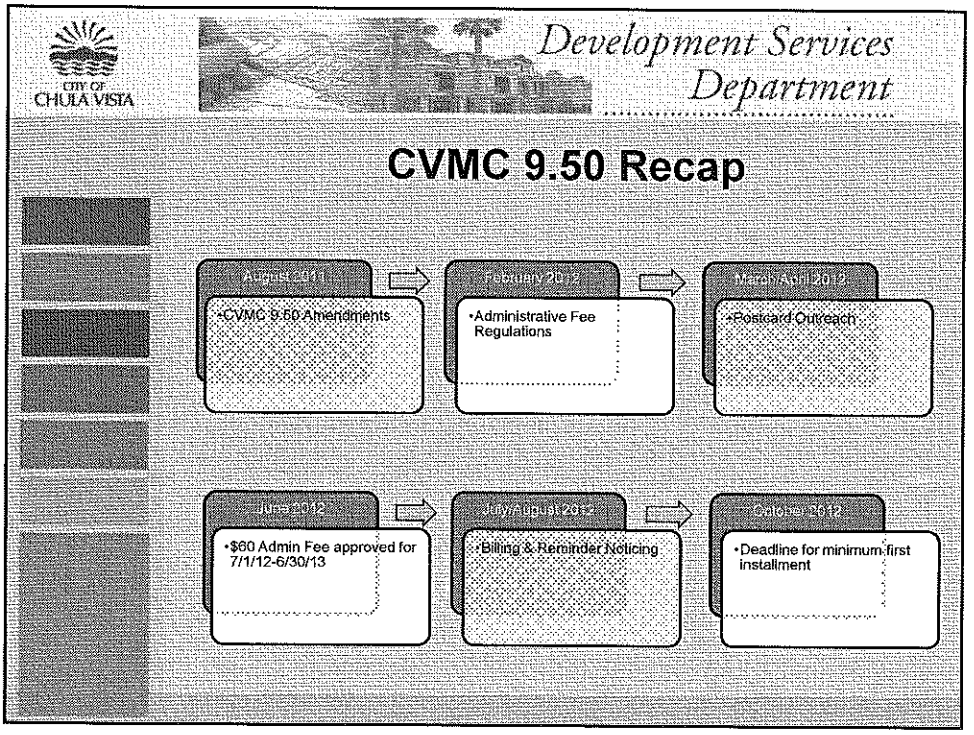
None.

6. **ADJOURNMENT** – Meeting was adjourned at 7:20 p.m. to a special joint meeting with the Housing Advisory Commission TBD.

Recorder, Stacey Kurz

Exhibit 1 – Presentation, CVMC 9.50 Proposed Changes
Exhibit 2 – Staff Report, CVMC 9.50 Proposed Changes


CITY OF CHULA VISTA
Development Services Department
Mobilehome Rent Review Commission
CVMC 9.50
Mobilehome Space Rent Review
Proposed Amendments
January 24, 2013


CITY OF CHULA VISTA
Development Services Department
CVMC 9.50 Recap
August 2011
•CVMC 9.50 Amendments
February 2012
•Administrative Fee Regulations
March/April 2012
•Postcard Outreach
June 2012
•$60 Admin Fee approved for 7/1/12-6/30/13
July/August 2012
•Billing & Reminder Noticing
October 2012
•Deadline for minimum first installment

CITY OF CHULA VISTA

Development Services Department

Resolution to Unresponsive Residents

Initial Year

- Continued outreach
  - October 2012 posting to all unpaid spaces
- Extended Deadline to March 28th
- Working with stakeholders
  - Park owners assisting city identify eligible residents
  - Voluntary park owner noticing
  - Final billing (late February 2013)

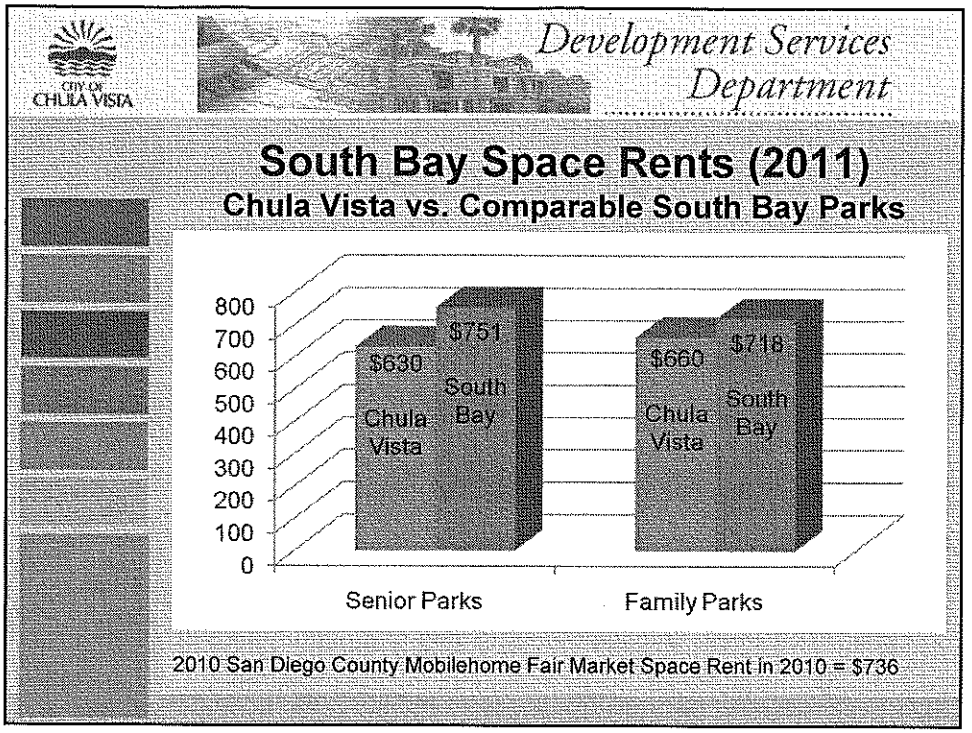
CITY OF CHULA VISTA

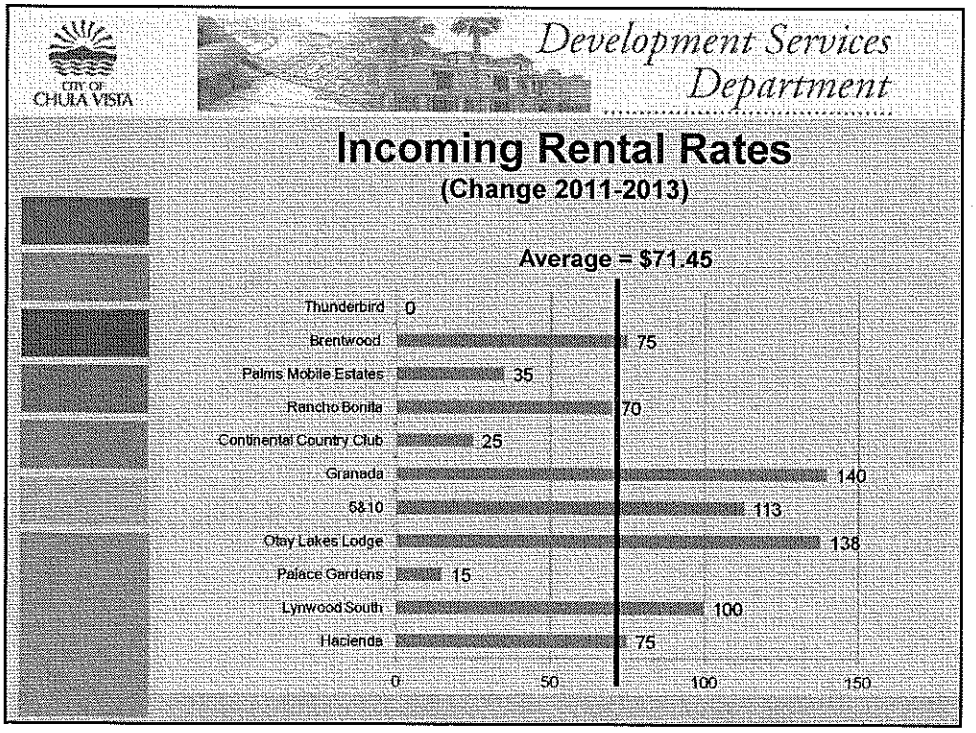
Development Services Department

Ordinance Amendment

Administrative Fee – Annual Noticing

- Reasons for Amendment
  - Address concerns over postal service billing
- Proposed Changes (Section 9.50.030)
  - Add noticing requirement by May 1st of each year


CITY OF CHULA VISTA
Development Services Department
South Bay Space Rents (2011)
Chula Vista vs. Comparable South Bay Parks
800
700
600
500
400
300
200
100
0
$630
Chula Vista
$751
South Bay
$660
Chula Vista
$718
South Bay
Senior Parks
Family Parks
2010 San Diego County Mobilehome Fair Market Space Rent in 2010 = $736


CITY OF CHULA VISTA
Development Services Department
Incoming Rental Rates
(Change 2011-2013)
Average = $71.45
Thunderbird 0
Brentwood 75
Palms Mobile Estates 35
Rancho Bonita 70
Continental Country Club 25
Granada 140
S&10 113
Otay Lakes Lodge 138
Palace Gardens 15
Lynwood South 100
Hacienda 75
0
50
100
150

CITY OF CHULA VISTA

Development Services Department

Ordinance Amendment

Change of Ownership – Temporary Decontrol

- Reasons for Amendment
  - Original intent to remove rent control function on change of ownership
- Proposed Changes (Section 9.50.077)
  - Delete noticing requirement to provide percent change between existing and incoming rental rate

CITY OF CHULA VISTA

Development Services Department

Ordinance Amendment

Change of Ownership – Administrative Fee

- Reasons for Amendment
  - Concerns over proper noticing
  - Added administration
- Proposed Changes (Section 9.50.030)
  - Payment of administrative fee due upon next billing cycle of initial year

CITY OF CHULA VISTA

Development Services Department

Ordinance Amendment

Change of Ownership - Disclosure

- Reasons for amendment
  - Concern incoming residents unaware of fee & services provided by CVMC 9.50
- Proposed changes (Section 9.50.085)
  - Update & clarify disclosure language regarding rights & administrative fee

CITY OF CHULA VISTA

Development Services Department

CVMC 9.50

Ordinance Amendments

- Goals
  - Administrative clean-up
  - Address non-responsive residents
  - Change of ownership
- Proposed Changes
  - Administrative updates
  - Change of ownership
    - Disclosure
    - Administrative Fee
      - Noticing
      - Payments

CITY OF CHULA VISTA

Development Services Department

Staff Recommendation

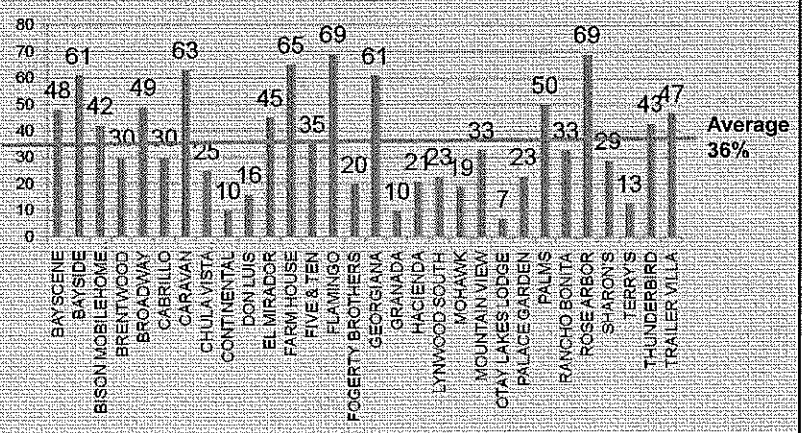
- MHRRC adopt the resolution, Item #2 – Exhibit 1

RESOLUTION OF THE CHULA VISTA MOBILEHOME RENT REVIEW COMMISSION RECOMMENDING THAT THE CITY COUNCIL APPROVE AMENDMENTS TO CHULA VISTA MUNICIPAL CODE 9.50 (THE CITY'S MOBILEHOME SPACE - RENT REVIEW ORDINANCE)

CITY OF CHULA VISTA

Development Services Department

Unresponsive Residents



The City of Chula Vista Development Services Department
A REPORT TO THE MOBILEHOME RENT REVIEW COMMISSION

Item No. 2

Staff: Stacey Kurz

DATE: January 24, 2013

SUBJECT: **ACTION ITEM** - AMENDMENTS TO CHULA VISTA MUNICIPAL CODE 9.50, MOBILEHOME SPACE RENT REVIEW

I. RECOMMENDATION

The Commission adopt a resolution, Exhibit 1, recommending City Council approve the ordinance amendments.

II. INTRODUCTION

In 1982, the City of Chula Vista adopted Mobilehome Park Space – Rent Review [Chula Vista Municipal Code 9.50 (CVMC 9.50)] to ensure that mobilehome residents and mobilehome park owners are afforded a fair and equitable process for proposed rent increases by outlining a process for rent dispute resolution between the two parties. The Ordinance applies to mobilehome park owners and current and prospective residents who have entered into leases of 12 months or less.

In May 2011, the Mobilehome Rent Review Commission recommended Council adopt various amendments to CVMC 9.50 regarding change of ownership and the establishment of an administrative fee. Since that time, Council also adopted implementing guidelines for the administrative fee which outline the process for billing and collecting such fee. Staff now desires to amend the ordinance to provide additional efficiencies upon change of ownership and require additional noticing to residents annually as summarized below and track changed in Exhibit 2.

Change of Ownership - Noticing Requirements & Administrative Fee

Amendments made in 2011 allowed temporary decontrol on change of ownership. It was staff's intent to remove the city from administration on sale of units. Staff is proposing that Section 9.50.077 be updated to delete any references to noticing requirements specifically identifying the percent change in rent between outgoing and incoming tenants, as this was a previous function of rent control.

Staff believes that in order to streamline the administrative fee for incoming residents it is necessary to require payment at the beginning of the fiscal year for any new move-ins, instead of requiring payment upon initial move-in. This requirement has proven to add unnecessary administration to the

process and the likelihood of a proposed increase within the first year of residency is low due to temporary decontrol on sale. Section 9.50.030 has been updated to reflect this change.

In addition, the Disclosure to new residents required under Section 9.50.085 has been updated to more specifically identify resident rights and requirements under the ordinance and staff believes provides a better mechanism for notifying new residents of the ordinance.

Unknown Space Eligibility

A significant number of residents have still not responded to outreach and billing efforts. Staff has attempted to reach residents for nearly a year in the form of two postcards (March and April 2012), billing and reminder notices by U.S. postal service (July and August 2012), and direct posting by City staff on doors and mailboxes in late October 2012. While each of these efforts has produced additional responses, in December 2012, the eligibility of approximately 700 residents was still unknown and prompted a final extension of the fee due date to March 28, 2013 to enable staff time to better understand the lack of response by these residents and possible solutions to encourage greater response from residents on an ongoing basis.

Staff met in January with both park owner and resident stakeholder groups to address this issue. These meetings were productive and provided some additional measures that would help ensure these issues do not reoccur on an annual basis. Specifically staff has proposed added noticing requirements under Section 9.50.030 for park owners to notice residents by May 1st of each year with a courtesy reminder notice of the need to pay the administrative fee to retain the rights and services under CVMC 9.50.

III. ATTACHMENTS

1. Resolution CVMC 9.50
2. CVMC 9.50 Ordinance Amendment

MHRRC RESOLUTION NO. 2013-001

RESOLUTION OF THE CHULA VISTA MOBILEHOME RENT REVIEW COMMISSION RECOMMENDING THAT THE CITY COUNCIL APPROVE AMENDMENTS TO CHULA VISTA MUNICIPAL CODE 9.50 (THE CITY'S MOBILEHOME SPACE - RENT REVIEW ORDINANCE)

WHEREAS, the Mobilehome Rent Review Commission (MHRRC) of the City of Chula Vista has intimate knowledge of Chula Vista Municipal Code Chapter 9.50 (CVMC 9.50) and is charged to provide advice to the city council and city manager on matters relating to mobilehome parks as identified under CVMC 2.31.030 Functions and duties; and

WHEREAS, the MHRRC provided an advisory recommendation on May 31, 2011 for Council to amend CVMC 9.50 to its current state; and

WHEREAS, City staff has provided various administrative updates; and

WHEREAS, City staff has drafted ordinance amendments to provide additional efficiencies to change of ownership noticing in Sections 9.50.077 and 9.50.085; and

WHEREAS, City staff has further proposed a new requirement for park owners to provide a notice by May 1st of each year to residents of the Administrative Fee billing in Section 9.50.030; and

NOW, THEREFORE, BE IT RESOLVED that the Mobilehome Rent Review Commission does hereby recommend that the City Council of the City of Chula Vista adopt ordinance amendments to Chapter 9.50 as set forth in the attached proposed ordinance.

Presented by:

Rudy Gonzalez
Chair, Mobilehome Rent Review Commission

Approved as to form by:

Simon Silva
Deputy City Attorney

ATTACHMENT 2

Chapter 9.50

MOBILEHOME PARK SPACE-RENT REVIEW*

Sections:

9.50.001 Findings.
9.50.005 Purpose.
9.50.010 Definitions.
9.50.012 General applicability and exemptions.
9.50.015 Applicability to recreational vehicles.
9.50.020 Legal requirements and procedures created.
9.50.030 Administrative Fee.
9.50.050 Annual permissive rent increases and notices of CPI.
9.50.063 Rent increases above the annual permissive rent increase.
9.50.064 Owner meetings and possible voluntary negotiations.
9.50.066 Request for hearing form.
9.50.070 Initiation of space rent review.
9.50.073 Factors to consider in fixing space rent through the hearing process.
9.50.075 Fixing of space rent in excess of the permissive rent increase.
9.50.076 New and prospective mobilehome residents – Transfers of mobilehomes.
9.50.077 Vacancies and rents upon change of mobilehome ownership.
9.50.078 Right to mediate mobilehome resale price.
9.50.079 Findings regarding serious code violations.
9.50.080 Notice of serious code violations.
9.50.081 Proposed space rent increases at a time when there exist serious code violations at park.
9.50.082 Denial or partial reduction of rent increases based upon serious code violations.
9.50.085 Compliance with Law and City Posting and Disclosure Requirements.
9.50.087 Implementation guidelines.
9.50.090 Mobilehome resident's right of refusal.
9.50.092 Retaliatory eviction.
9.50.100 Civil and administrative remedies.
9.50.102 Criminal remedies.
9.50.115 Severability.
Appendix One
Appendix Two

*Prior legislation: Ords. 1997, 2163, 2227, 2282, 2306, 2451, 2551, 2566, 2737, ~~and~~ 2862 and 3195.

9.50.001 Findings.

A. The city council finds that there is presently, within the city of Chula Vista, a shortage of rental spaces for the location of mobilehomes, and an inadequate number of mobilehome rental spaces to meet the total demand in this city for those spaces. The city council finds that this limited supply of mobilehome spaces in this city has resulted in low vacancy rates and contributes to escalating space rents in a manner that would, in the absence of regulation, allow for unconscionable increases of rents to mobilehome park residents.

B. The city council further finds that the unique nature of the ownership of a mobilehome within a mobilehome park makes mobilehome owners particularly vulnerable to the threat of loss of their investment in their mobilehome. Due to the high cost of moving

mobilehomes; the potential for damage resulting from moving mobilehomes; the requirements for installing a mobilehome, including permits, landscaping and site preparation; the lack of alternative homesites for mobilehome owners; and the substantial investment mobilehomeowners make in their coaches, mobilehome owners lack the ability to move their mobilehomes without a substantial loss in their investment. This lack of mobility, coupled with a shortage of rental spaces, provides park owners with the ability to establish excessive and unconscionable rents which, if unregulated, would result in the impairment of a mobilehome owner's investment in their home.

C. The city council further finds that the limited supply of mobilehome rental spaces available in this city would, in the absence of space rent regulation, allow for an unconscionable loss of the resale value of mobilehomes by existing mobilehome park residents.

D. The city council further finds that mobilehomes comprise a significant form of housing available within the city of Chula Vista and can be a more affordable housing choice than single-family homes. The city council finds that the supply of both mobilehome spaces and mobilehomes available for rent is not adequate to meet the demand, and that as a result, the limited supply of such spaces and mobilehomes contributes to escalating rents in a manner that would, in the absence of regulation, result in the elimination of mobilehomes as a more affordable housing choice.

E. The city council further finds that there exists serious health and safety issues in some mobilehome parks within this city that constitute violations of the city's municipal code and/or state law. The city council finds that increases in rents in excess of the annual permissive rent increase for parks where there exists such serious violations would, in the absence of regulation, allow for an unconscionable benefit to the park owner to the detriment of the health, safety, and welfare of mobilehome residents. As more fully set forth in CVMC 9.50.079, the city council finds that the provisions of this chapter will promote and require a minimal level of health and safety conditions in those mobilehome parks seeking rent increases in excess of the annual permissive rent increase while also allowing park owners sufficient time and revenue to meet these minimal requirements.

F. The city council further finds that, because mobilehome parks generally have costs of operation which are considerably less than total gross income, it is not necessary to allow an automatic 100 percent Consumer Price Index (CPI) annual rent increase in order for mobilehome park owners to be able to maintain a fair, just, and reasonable rent. A number of cities in California do, in fact, limit annual rent increases without a review or hearing by the city, to 0.75 times the CPI and/or provide a maximum allowable rent increase. Therefore, it is appropriate to require justification for any rent increase in excess of the annual permissive rent increase as set forth in this Chapter. (Ord. 3195 §1, 2011; Ord. 2862 §1, 2002).

9.50.005 Purpose.

A. The city council intends by this chapter to create a process to protect both mobilehome park owners and mobilehome park residents from excessive and unconscionable rent increases while simultaneously recognizing and providing for the need of mobilehome park owners to receive a just and reasonable return on their property.

B. The city council intends by this chapter:
   1. To prevent existing mobilehome owners, who are rendered largely incapable of moving their mobilehomes without suffering a substantial loss in their value, from loss

of their investment and the resale value of their mobilehomes due to the fact that a new mobilehome resident is being charged excessive rents;

2. To protect and promote the availability of mobilehomes as a more affordable housing choice; and
3. To encourage compliance with code requirements, to protect the public health, safety, and welfare of mobilehome park residents, and to provide for a fair return on the park owners' investment so that compliance with code requirements are financially feasible in such circumstances where a rent increase in excess of the annual permissive rent increase is proposed.

C. The city council intends for the procedures contained in this chapter to provide a mechanism for the resolution of disputed increases in rents by making it advantageous for mobilehome park residents and mobilehome park owners to establish a better understanding of each other's positions which will result in agreement on the amount of rent to be charged. The procedures of the ordinance are established with the intent that they be accomplished in a timely fashion. The participating parties shall commit to the goal that the entire dispute resolution process be completed within one hundred twenty (120) days following receipt of a disputed notice of rent increase. (Ord. 3195 §1, 2011; Ord. 2862 §1, 2002).

9.50.010 Definitions.

Words used in this chapter shall have the meaning described to them in this section:

A. "Mobilehome" is a structure designed for human habitation and for being moved on a street or highway under permit pursuant to Section 35790 of the California Vehicle Code. As used in this chapter, "mobilehome" has the same meaning as California Civil Code section 798.3.

B. "Manufactured home," is a unit built post June 15, 1976 that meets U.S. Department of Housing and Urban Development (HUD) specifications, the term "manufactured home" for the purpose of this chapter only, shall be synonymous with the term "mobilehome."

C. "Mobilehome space" means a portion of a mobilehome park designated or used for the occupancy of one mobilehome.

D. "Mobilehome park" or "park" is an area of land where two or more mobilehomes or mobilehome spaces are rented, or held out for rent, to accommodate mobilehomes used for human habitation.

E. "Mobilehome park owner" or "owner" means and includes the owner, lessor, operator, or manager of a mobilehome park.

F. "Mobilehome owner" means a person who owns a mobilehome which is legally located in a mobilehome space within a mobilehome park in the city of Chula Vista.

G. "Mobilehome resident" or "resident" means a person who occupies a mobilehome in a mobilehome park in the City of Chula Vista as a primary residence by virtue of having a rental agreement. "Mobilehome resident" or "resident" is inclusive of a mobilehome owner.

H. "Rent" means the consideration, including any bonus, benefit or gratuity, demanded or received in connection with the use and occupancy of a mobilehome or mobilehome space in a mobilehome park, including services, or in connection with the transfer of a lease for a mobile space or the subleasing of a mobilehome space. "Rent" shall not include amounts paid by residents for such separately metered utilities or services, as provided in California Civil Code Section 798.41, or any separate charge for those fees, assessments or costs which may be charged to mobilehome residents pursuant to the California Civil Code.

I. "Dispute" or "controversy" means a disagreement or difference which is subject to the resolution process described in this chapter.

J. "Consumer Price Index" or "CPI" means the All Urban Consumers/All Items component of the San Diego Metropolitan Area U (broader base) Consumer Price Index prepared by the Bureau of Labor Statistics.

K. "Mobilehome rent review commission" means the advisory body established by Chapter 2.31 CVMC to provide an independent review of rent increase disputes in mobilehome parks. (Ord. 3195 §1, 2011; Ord. 2862 §1, 2002).

9.50.012 General applicability and exemptions.

This chapter shall apply to all mobilehome parks, mobilehome park owners, mobilehome residents and mobilehomes in mobilehome parks within the city of Chula Vista, unless otherwise exempted by state law or the provisions of this chapter.

This chapter shall not apply to leases for a term exceeding one year which are exempted by California Civil Code Section 798.17, so long as such leases contain all the required provisions for exemption, including a statement in the first sentence of the first paragraph, in at least 12 point type or capital letters, giving notice to the mobilehome resident that, by entering into the lease, the rent control provisions of this ordinance will be automatically superseded by the lease provisions regarding rent and rent increases.

This chapter shall not apply to a mobilehome park if the rents that may be charged for spaces ~~thereat~~ are regulated pursuant to an agreement with the redevelopment agency of the city of Chula Vista under the authority of Section 33334.2 through 33334.4, inclusive, of the California Health and Safety Code, for such period of time as the agreement is in effect. (Ord. 3195 §1, 2011; Ord. 2862 §1, 2002).

9.50.015 Applicability to recreational vehicles.

This chapter applies to owners/occupants of recreational vehicles as defined in California Civil Code Section 799.29 where the recreational vehicle owner/occupant has been in residency for nine or more consecutive months. Notwithstanding the above, this chapter shall not be applicable to recreational vehicles residing in parks operated as recreational vehicle parks, where the predominant number of spaces are occupied for less than nine months. (Ord. 3195 §1, 2011; Ord. 2862 §1, 2002).

9.50.020 Legal requirements and procedures created.

This chapter creates legal requirements and procedures that must be followed when rent is increased in mobilehome parks. In the event a mobilehome park owner increases rent without complying with the provisions of this chapter, including but not limited to providing the required notice, the park owner may be held accountable for such failure through criminal, civil and administrative action in accordance with CVMC 9.50.0100 and 9.50.102. A park owner who willfully and improperly collects rent shall be subject to repayment of up to three times the amount of rent improperly collected, after a hearing before the mobilehome rent review commission, or in a civil action brought by a mobilehome resident. (Ord. 3195 §1, 2011; Ord. 2862 §1, 2002).

9.50.030 Administrative fee.

The city council finds that this chapter provides unique benefits and services to a limited segment of the public, specifically mobilehome residents. Such benefits and services include, but are not limited to, a calculation of rents under this chapter (annual permissive and increase above annual permissive) that results in reduced rents and attendant ombudsman activities. An administrative fee shall be required of mobilehome residents to receive the benefits and services provided by this chapter. The aforementioned administrative fee shall be established as follows:

A. The city shall report to the city council each fiscal year with a recommendation regarding the amount necessary to recover the costs of administering this chapter, and the proportion of said fee levied on the mobilehome residents based on the relative services provided.

B. The administrative fee shall be established annually and adopted by Council in the City of Chula Vista Master Fee Schedule. The fee and manner in which to collect it shall be determined by the standards set forth in the city council approved fee resolution.

C. This fee shall not be included in the rent base when calculating ministerial rent increases.

D. This chapter shall apply to each mobilehome rental space within parks, except such spaces that are exempt from such fee because of a space rental agreement that meets the requirements of Section 798.17 of the California Civil Code. Such exemptions shall be verified as identified in the city council approved fee resolution.

E. The provisions of this chapter shall not apply and no petition will be accepted from a resident opposing a rent increase above the annual permissive and no hearing or other proceeding shall be scheduled or take place for a mobilehome space rent in which there is an unpaid administrative fee. The city shall establish a grace period for unpaid fees to be made current. For any new incoming residents to a park, charges for the fee shall not begin until the start of the next fiscal year of their first year of occupancy.

F. Park owners shall notice individual residents one time annually by each May 1st with a "Courtesy Notice" as provided below. The aforementioned "Courtesy Notice" may be provided to a resident via US mail, included in the monthly rental statement, or delivered to their residence or individual "in box" where rental statements may be placed. The noticing of residents under this paragraph shall not be a condition precedent to a rental increase.

ADMINISTRATIVE FEE COURTESY NOTICE

TO: RESIDENT

SUBJECT: CITY OF CHULA VISTA RENT CONTROL FEE

The purpose of this communication is to clarify the City of Chula ordinance imposing a fee for rent control on mobile home residents and provide a reminder that the City will be billing for such fee prior to June 1st.

Please be advised that per Section 9.50.030(E) of the City's Municipal Code, any eligible space for rent control under the City's ordinance must pay an administrative fee to the City annually. To be eligible you must meet the following criteria:

1) You own the coach/trailer;
2) You have a valid space rental agreement for a term of 12 months or less; and
3) The home is your principal residence.

If a resident does not pay the rent control fee for that year, the resident is no longer covered by the rent control ordinance for the period July 1-June 30 of the subsequent year. This means that the landlord can increase the rent on the resident's site to any amount chosen by the landlord. The amount of the increase will not be limited to the rent control increase amount (annual permissible rate) published by the City of Chula Vista.

If the fee is not paid within 60 days (grace period) of the due date with any associated late fees, you will lose the protection of rent control and if the landlord raises your rent, the new rent level becomes your new base rent even if you pay the rent control fee in the future window of time when you can once again be covered by rent control, beginning July 1st of the subsequent year.

For additional information or if do not receive your bill from the city by June 7th, please call the City of Chula Vista mobile home information line at (619) 585-5600.

~~F.~~G. This section shall be operative July 1, 2012. (Ord. 3195 §1, 2011).

9.50.050 Annual permissive rent increases and notices of CPI.

A. Rents for mobilehome residents may be increased automatically and only once in a calendar year by no more than the percentage change in the CPI, when the CPI is three percent or less, and 75 percent of that change in the CPI above three percent to be known as the "annual permissive" rent increase. The park owner or their agent shall use the CPI in effect at the time such notice of increase in rents is served on residents, as provided in the notice of current CPI mailed to each park owner or their agent by the City. Calculation of the one-year limitation on rent increases shall be from the date the last increase became effective for that particular space or mobilehome.

B. The city shall mail to each park owner or their agent the applicable CPI to be used for the rent increases as soon as the city receives the CPI from the Bureau of Labor Statistics. The CPI is

published twice each year by the Bureau of Labor Statistics. Park owners shall use the CPI furnished to them by the city as controlling the maximum potential rent increase without a need for a hearing, and may not deviate from the CPI until the park owner receives written notification from the city that the CPI has changed. The park owner shall post, in a prominent place, the notification from the city so that all residents are aware of the applicable CPI.

C. Should a mobilehome resident feel that a proposed rent increase is in violation of this chapter, the resident may provide written notice to the park owner of such rent dispute. Within 10 calendar days of the written notice, the park owner shall meet with the resident to discuss this dispute. This meeting shall be held at a mutually convenient time and place, preferably at the mobilehome park. Additionally, within 30 days of receiving written notice from the resident of a rent dispute, the park owner shall provide the resident with a written response addressing such dispute.

If the resident is unable to satisfactorily resolve such rent dispute, the resident may file with the city a complaint alleging the mobilehome park's violation of the rent increase provisions of this chapter. Such complaint must include documentation or other information ~~which~~ that provides compelling evidence of such violation and submitted within 14 days of receiving the park owner's written response addressing the dispute. The city, at its sole discretion and after review of the complaint and supporting documentation, will determine the necessity to audit the rent for the affected space in order to verify compliance with this chapter.

Should the city determine that an audit is necessary, the city shall notify the park owner in writing of their determination, request written verification of the rent charged for the affected space for the last three years, and provide the park owner with a copy of the complaint. Within 14 days after delivery of said notice from the city, the park owner or their agent shall mail (U.S. Postal Mail Service, return receipt requested) to the City of Chula Vista, Attn: Mobilehomes, 276 Fourth Avenue, Chula Vista, CA 91910, written verification of the space rent charged for the affected space for the previous three years, such as copies of rent statements. Failure to provide the city with the requested space rent information or knowingly submitting incorrect information shall be considered a violation of this Chapter. (Ord. 3195 §1, 2011; Ord. 2862 §1, 2002).

9.50.063 Rent increase above the annual permissive rent increase.

A. In any situation where a mobilehome park owner wishes to increase the rent above the annual permissive rent increase as set forth in CVMC 9.50.050, he or she must first give notice to affected residents, at the same time the 90-day notice required by Civil Code Section 798.30 is given.

The notice of a rent increase in excess of the annual permissive rent increase shall be in substantially the form prescribed in Appendix One of this chapter.

B. If the residents within the affected mobilehome park have established an on-site representative body and notify the owner in writing of its existence, a copy of the rent increase notice must be sent to the chairperson of that body.

C. A copy of the rent increase notice shall be mailed (U.S. Postal Mail Service, return receipt requested) at the same time as issuance of the notice to residents to the City of Chula Vista at the address identified herein.

City of Chula Vista
Attn: Mobilehomes
276 Fourth Avenue
Chula Vista, CA 91910

D. The rent increase notice must contain the space numbers of all residents who are subject to a increase which is above the annual permissive rent increase set forth in Section 9.50.050. (Ord. 3195 §1, 2011; Ord. 2862 §1, 2002).

9.50.064 Informal meeting requirements.

Within 10 days after service of a notice of increase, as provided in CVMC 9.50.063, the park owner shall hold an informal meeting for the benefit of the affected residents to discuss the increase. It is hoped that such a meeting may lead to voluntary settlement of the dispute.

The meeting should be set for a time and date believed to be convenient for residents and may be changed to a different date based on the reasonable request of the majority of affected residents.

If a resident does not attend this meeting or is not represented by someone, he or she shall have no right to a hearing but may rely on other residents of the mobilehome park to cause a public hearing to be scheduled. The decision of the mobilehome rent review commission shall be applicable to all affected homeowners.

In the event that more than 50 percent of the resident(s) and park owner reach a voluntary written agreement of the increase in space rent, the rent shall be fixed as specified in CVMC 9.50.075. Should the affected resident(s) and the park owner be unable to reach a voluntary settlement of the dispute in the increase in space rent, the resident shall be entitled to file a "Request for Hearing" form as permitted in CVMC 9.50.066 and 9.50.070. (Ord. 3195 §1, 2011; Ord. 2862 §1, 2002).

9.50.066 Request for hearing form

Mobilehome residents shall have a right to file for a hearing and determination by the mobilehome rent review commission of rent increases in excess of the annual permissive rent increase. To file for such a hearing, a resident must deliver the request for hearing form to the city within 30 days of the delivery of "Notice of Rent Increase in Excess of the Annual Permissive Rent Increase" from the park owner or their agent.

The request for hearing shall be in substantively the form prescribed in Appendix One of this chapter. (Ord. 3195 §1, 2011; Ord. 2862 §1, 2002).

9.50.070 Initiation of Space Rent Review.

If a rent dispute cannot be resolved at a meeting with a park owner, a resident may initiate a rent review by the mobilehome rent review commission by filing a request for hearing with the city, in the form prescribed in CVMC 9.50.066.

Upon the filing of a request for hearing in accordance with this chapter, the city shall notify the chairperson of the mobilehome rent review commission of such request, who shall schedule a hearing on the matter within 30 days after the date of receipt of such request or as soon thereafter as practical. The City shall send written notice to the park owner and the resident(s) filing such request for hearing of the time and place set for the hearing. The hearing will be noticed and held in a manner that provides due process to all affected parties. Should such hearing affect more than 50 percent of those spaces at the mobilehome park, the park owner or their agent shall post in a conspicuous place within the mobilehome park a copy of the written notice of the hearing. (Ord. 3195 §1, 2011; Ord. 2862 §1, 2002).

9.50.073 Factors to consider in fixing space rent through the hearing process.

If a proposed rental increase is submitted to the mobilehome rent review commission ("commission") pursuant to the provisions of this chapter, the commission shall determine the rent that is fair, just and reasonable, and, in doing so, shall consider the factors listed below. The commission has the authority to request information and/or documentation related to these factors that will assist them in making such determination. The city and/or their designee shall review all evidence to be presented to the Commission for their consideration. The commission's decision shall be based on the preponderance of the evidence at the hearing. The commission shall consider the following factors:

A. The need for the proposed rental increase in order to permit the owner to secure a fair and reasonable return, when considering the existing rental scheme for all spaces in the park and all existing or expected expenses in owning and operating the park. A fair and reasonable return may be determined by the commission by reference to industry standards, risk of investment, or other acceptable standards.

1. In considering the existing or expected expenses in owning and operating the park in following prudent business practices, the commission should consider the following or any similar or related items of expense, the reasonableness of such items, and changes to them:

a. Actual financial investment in park improvements.
b. Property or other taxes.
c. Mortgage or ground rent payments.
d. Utility costs.
e. Capital improvements or rehabilitation work.
f. Repairs required.
g. Other operating and maintenance costs. Operating costs shall not include the following:
i. Avoidable and unnecessary expenses, including refinancing costs;
ii. Any penalty, fees or other interest assessed or awarded for violation of this or any other law;
iii. Legal fees, except legal fees incurred in connection with successful good-faith attempts to recover rents owing, and successful good-faith unlawful detainer actions not in derogation of applicable law, to the extent same are not recovered from residents.
iv. Depreciation of the property.
v. Any expense for which the park owner has been reimbursed by any security deposit, insurance settlement, judgment for damages, settlement or any other method. Cost of replacement or repair incurred or necessary as a result of the

park owner's negligence or failure to maintain, including costs to correct serious code violations at the park.

2. In considering the existing or expected income from owning and operating the park, the commission should consider the rent schedule for all spaces in the park and any similar or related items verifying income for the mobilehome park for the last three years, the reasonableness of such items, and changes to them.

B. Rate of return earned by the park owner in previous years as determined by a fair return analysis expert. All parties, including the City, shall have the right to hire their own expert.

C. The extent to which the proposed rental increase will cause a reduction in the resale value of the mobilehome.

D. Changes in the Consumer Price Index for all urban consumers in the San Diego Metropolitan Area published by the Bureau of Labor Statistics.

E. Fair market rental value as determined by "comparables" of similar and existing mobilehome spaces or mobilehomes in the South Bay area of San Diego County, including those in Chula Vista, as determined by an MAI appraiser. ~~The City, as well as the park owner,~~ All Parties, including the City, shall have the right to hire their own independent MAI appraiser.

F. The timing and amount of rents and increases for this and other spaces at the mobilehome park.

G. The quantity and quality of the improvements and features at the mobilehome park and any decrease or increase in such improvements and features.

H. The quantity and quality of services offered to park residents and any decrease or increase in such improvements and features. (Ord. 3195 §1, 2011; Ord. 2862 §1, 2002).

9.50.075 Fixing of space rent in excess of the permissive rent increase.

The rent on any particular mobilehome space shall be fixed as established herein. Any determination of fair, just, and reasonable rent determined by the commission shall not be applicable to those spaces exempt from this chapter nor to those spaces not covered by the written notice of an increase in rent.

A. In the event that the resident and an owner reach agreement as to the space rent in excess of the annual permissive rent increase for that calendar year, with or without the benefit of a commission hearing, the rent shall be fixed at the agreed upon rent at such time as the agreement is reached unless the agreement provides for a different effective date.

B. In the event that the resident and an owner do not reach agreement, and the rent has been established by the commission according to the procedures herein established, the rent shall be fixed at the rental rate so established by the commission as of 90 days after the resident's original receipt of the notice of rent increase. The commission shall have the right to fix a different date, if the commission deems the park owner non-responsive to the hearing requests.

C. Consistent with its findings, the commission may:

1. Permit the requested increase which is in excess of the annual permissive rent increase to become effective in whole or in part; or
2. Deny the increase which is in excess of the annual permissive rent increase.

However, the commission may not set the rent lower than the pre-existing rent or higher than the amount contained in the notice of rent increase in excess of the annual permissive rent increase.

D. Unilateral Refusal to Participate in the Hearing Process. In the event the commission finds that the resident or owner has failed or refused to, in good faith, follow the procedure herein fixed for the establishment of rent, which may include but not be limited to refusal to attend noticed hearings or failure to provide a copy of all rent increase notices to residents, then the commission shall fix the rent as follows:

1. If the resident has failed or refused to follow the procedures herein fixed for the establishment of rent, then the rent shall be fixed at the rental rate contained in the notice of rent increase in excess of the annual permissive rent increase.

2. If the owner has failed or refused in good faith to follow the procedures herein fixed for the establishment of rent, then the rent shall be fixed at the annual permissive rent increase.

E. Waiver of Fixed Rent. Notwithstanding the aforementioned manner in which the rent shall be fixed, a refusal or failure, accompanied with the knowingly improper assertion that a greater rental is due by the owner or his or her agent, to accept a rent payment from a resident in an amount which is equal to or greater than the rent fixed by subsections (A), (B) or (C) of this section shall constitute a waiver by the owner of the right to collect said rent, in its entirety, for the rental period for which the rent was refused, unless the tenant consents, in writing, to waive the provisions of this subsection.

F. All parties to the hearing shall be advised of the commission's decision and be given a copy of the findings upon which the decision is based. The conclusions and findings of the commission shall be final. Any party disputing the final conclusions and findings of the commission may seek review of the commission's actions pursuant to Sections 1094.5 and 1094.6 of the California Code of Civil Procedure. (Ord. 3195 §1, 2011; Ord. 2862 §1, 2002).

9.50.076 New and prospective mobilehome residents - Transfers of mobilehomes.

A. Prior to or at the time of agreeing to rent to a new or prospective mobilehome resident in a mobilehome park, the park owner or their agent shall provide the new or prospective mobilehome resident with a copy of the disclosure as specified in CVMC 9.50.085, a copy of any notice of rent increase, and a copy of this chapter as currently in force.

B. Park owners must comply with the provisions of California Civil Code 798.70 et seq. related to transfers of mobilehomes, including the provisions of Civil Code Sections 798.75 and 798.75.5. (Ord. 3195 §1, 2011; Ord. 2862 §1, 2002).

9.50.077 Vacancies and rents upon change of mobilehome ownership.

Notwithstanding any other provision of this chapter, the mobilehome park owner may increase space rent in the event of a space vacancy or a change of ownership of a mobilehome which will remain on its current space in accordance with the following:

A. In the event that a space becomes vacant, that is, with no mobilehome in place, a park owner may adjust the space rent without regard to the provisions of this chapter.

B. If a mobilehome changes ownership but remains on the same space within the mobilehome park, a park owner may adjust the space rent without regard to the provisions of this chapter~~.~~. Once a resident is in place, the provisions of this chapter are again applicable. However, no rent increase may be charged upon change of ownership by reason of interspousal transfers or for persons on a lease agreement.

C. This increase is in addition to the annual permissive rent increase as set forth in CVMC 9.50.050 and is not subject to the once-a-year limitation of CVMC 9.50.050(A).

D. After an increase under this Section, further rent increases shall be governed by the provisions of this chapter.

E. Should a current mobilehome owner desire to sell his or her mobilehome and such mobilehome will remain within the mobilehome park, the mobilehome owner must provide a written notice to the park owner or their agent of his or her intent to sell. Within 15 days of the receipt of a written notice of the current mobilehome owner's intent to sell the mobilehome, the park owner or their agent shall provide a written statement as to the rental rate to be offered to the new or prospective mobilehome owner~~ and if an increase in the existing rental rate is proposed, the corresponding percentage of the increase in rent~~. Both the current mobilehome owner and the park owner or their agent shall provide all new or prospective mobilehome owners with a copy of such written statement of the rental rate.

Should no offer to purchase the mobilehome be accepted within six months of the written statement of the rental rate to be offered to the new or prospective mobilehome owner, the park owner or their agent may provide a revised written statement of the rental rate to be offered. Such written statement can be revised by the park owner or their agent every six months thereafter and shall be immediately provided to the current mobilehome owner.

Upon acceptance of an offer to purchase a mobilehome, the outgoing mobilehome owner shall immediately provide written notice to the park owner or their agent of the pending sale of the mobilehome and an address at which the new mobilehome owner may be contacted. The park owner shall provide to the new mobilehome owner a written statement as to the rental rate to be offered ~~and if an increase in the existing rental rate is proposed, the corresponding percentage of increase in rent~~ within 15 days of receiving written notice of the pending sale of a mobilehome. The park owner shall also provide the new mobilehome owner with any other document required by California Civil Code section 798.75(a). (Ord. 3195 §1, 2011; Ord. 2862 §1, 2002).

9.50.078 Right to mediate mobilehome resale price.

A. In line with the purpose of this chapter to maintain a supply of more affordable housing choices in the mobilehome market, it is the goal and objective of the city that a current mobilehome owner should not be able to command, due to limited mobilehome space availability, a higher price for a mobilehome upon sale due to the fact that the rent is regulated by the provisions of this chapter. The city council finds that there is currently no

evidence that overcharging for mobilehomes is a significant problem in Chula Vista, and that it has little, if any, significant effect on the supply of more affordable housing choices in the city of Chula Vista, so as to require mobilehome resale price regulation by the city. The city council finds that this is due, in part, to the annual permissive rent increases provided in this chapter. The city council further finds that if, after time, it appears that the mediation process offered by this section is inadequate to address any potential problem with overcharging, it may reconsider more stringent control over mobilehome overcharging in the future.

B. The park owner shall post the following notice in a prominent place, in the on-site office:

> NOTICE OF THE RIGHT TO MEDIATE THE PURCHASE PRICE OF MOBILEHOME
>
> A potential purchaser of a mobilehome has the right to mediate the purchase price of a mobilehome, if you contend that the purchase price is higher because of rent regulation, then the purchase price might ordinary be without rent regulation.
>
> In order to submit the purchase price dispute, based solely on the grounds than the purchase price is more than would ordinarily be without rent regulation, between yourself and your potential seller to the Chula Vista Mobilehome Rent Review Commission for non-binding mediation your must:
>
> 1. Extend an offer to purchase the mobilehome, but not execute an agreement to purchase;
> 2. Sign and file with the city the form requesting mediation prior to executing a purchase agreement; and
> 3. Participate in the mediation process provided by the Mobilehome Rent Review Commission.

C. If, prior to executing a mobilehome purchase agreement, the new or prospective mobilehome resident contends that the price at which the mobilehome is offered by the current mobilehome owner is higher because of rent regulation than the price of the mobilehome without rent regulation, the new or prospective mobilehome owner has the right, upon tender to the seller of an offer to purchase the mobilehome at a price acceptable to the new or incoming mobilehome owner, to submit the price dispute to the Mobilehome Rent Review Commission for mediation.

D. Upon submittal of the price dispute to the Mobilehome Rent Review Commission by the new or prospective mobilehome owner, the Commission shall convene as soon as practical to hear the dispute, not sooner than 10 days notice to the buyer and seller of the time and place at which the mediation shall occur. If the Seller fails to appear, the Commission should hear the complaint and evidence of the new or prospective mobilehome owner for the purpose of creating a record of such abuses, if any. However, the Commission shall have no power to set the resale price of a mobilehome with or without the presence of the parties.

E. The purpose of the mediation, and the sole jurisdiction of the Commission in the mediation, is to get the parties to agree, if possible, to a price which reflects the value of the mobilehome as if the rents in the park were not regulated by this chapter. (Ord. 3195 §1, 2011; Ord. 2862 §1, 2002).

9.50.079 Findings regarding serious code violations.

A. The city council finds that there currently exists serious health and safety issues in certain mobilehome parks within the city. These health and safety issues are particularly acute in the older trailer parks in the city. In order to establish a minimal level of health and safety standards which must exist in all mobilehome parks prior to any rent increase in excess of the annual permissive rent increase, the city council finds that the violations listed in Appendix Two constitute serious code violations which may not exist within a mobilehome park at the time of the proposed rent increase.

B. The city council further finds that the provisions of this chapter provide for a sufficient return on investment and allow for a sufficient period of time to allow park owners to meet the minimal health and safety standards set forth herein. The city council finds that adoption of this chapter does not constitute an action or inaction by the City which will result in the closure, cessation or change of use of a mobilehome park. Except in these cases where the city council, in its discretion, decides not to renew a conditional use permit or zoning variance as provided for in Government Code Section 65863.7(i), the city council finds that any closure, cessation or change in use of a mobilehome park occurring after the adoption of this chapter is the result of the decision of the park owner, and, prior to any such closure, cessation or change in use, the mobilehome park owner must comply with the provisions of Government Code Sections 65863.7 and 65863.8 as well as the provisions of the City's conversion ordinance, Chapter 9.40. (Ord. 3195 §1, 2011; Ord. 2862 §1, 2002).

9.50.080 Notice of serious code violations.

In the event a park owner wishes to increase space rents in excess of the Annual Permissive Rent Increase, he or she must first give notice to affected residents in compliance with the notice requirements contained in CVMC 9.50.063. The notice of a rent increase in excess of the annual permissive rent increase shall be in substantially the form prescribed in Appendix One of this chapter and shall include information regarding a review for serious code violations.

The park owner shall post, in a prominent place, copy of Appendix Two of this chapter so that all residents are aware of those code violations which may create serious health, safety, and welfare problems. Failure to maintain a posted copy of Appendix Two, or failure to provide the notice required below in connection with any proposed space rent increase shall constitute a violation of this chapter.

The requirements of this Section are not applicable to those rent increases upon a change in ownership of a mobilehome to remain in the park. (Ord. 3195 §1, 2011; Ord. 2862 §1, 2002).

9.50.081 Proposed space rent increases at a time when there exist serious code violations at park.

The city council finds that at times residents in parks have alleged that their rents are being increased, even though the park is in a state where serious code violations which affect the health, safety, and welfare of the residents exist. The city council further finds that park owners should be required to operate and maintain their parks in substantial compliance with applicable codes and particularly in a manner which is not hazardous to the health, safety, and welfare of the residents. Therefore, in order to encourage compliance with code requirements and to protect the health, safety and welfare of park residents, the city council finds that it is necessary and appropriate to establish a process to limit or prohibit increases in rents which are above the annual permissive rent increase unless and until it has been reasonably determined by city staff that no serious code violations as listed in Appendix Two hereto exist at the park which would be hazardous to the health, safety, and welfare of the residents.

Therefore, in a situation where a mobilehome park owner wishes to increase the rent in excess of the annual permissive rent increase, the city shall schedule an inspection of the subject mobilehome park consistent with Appendix Two within 21 calendar days of receiving a notice of such rent increase. Subject to staffing limitations, city staff will make a determination within 30 calendar days of the inspection of the subject mobilehome park as to whether or not a serious violation or violations exist within the park and whether it or they do adversely affect the health, safety, and general welfare of residents. The notice of such determination shall be provided to any homeowners association at the park, which is registered with the city, and to the park owner. The park owner may meet with City staff to discuss the violation(s) determined to exist and possible actions needed to cure such violation(s).

If a serious violation as specified above is determined to exist, the park owner may cure the violation, in which case the rent increase will become effective upon such cure, after the 90 days as specified in the notice of rent increase, or upon fixing of the space rents by the commission whichever date or event last occurs and in compliance with CVMC 9.50.063. The park owner will receive written notification from the city of the cure of any such serious violation as determined by city staff. In the alternative, the matter of any alleged code violation shall be considered as part of the hearing process on the proposed increase or the park owner may request a hearing before the mobilehome rent review commission on the matter of the alleged violation's relation to the proposed rent increase. The commission may take into consideration any code violation which has not been resolved, in determining to what extent a rent increase, if any, should be allowed. After making such determination, the commission shall fix the rent as provided for in CVMC 9.50.082.

It is not the intent of this section to delay rent increases, but to attempt to resolve serious code violations during the 90-day period required by state law prior to the effective date of any rent increase. This section does not limit or preclude the city from proceeding in accordance with all applicable laws against a park owner if it is found that a violation of code exists at the park. Furthermore, any review of the specific code violations listed in Appendix Two is not intended to substitute for the comprehensive inspection program for mobilehome/trailer parks administered by the city in compliance with Title 25 of the California Code of Regulations. (Ord. 3195 §1, 2011; Ord. 2862 §1, 2002).

9.50.082 Denial or partial reduction of rent increases based upon code violations.

The violations which may result in a denial or reduction in any proposed rent increase which is in excess of the annual permissive rent increase are limited to those listed in Appendix Two. Each year, the city shall send a copy of Appendix Two to each park for posting in a common area as required above. Violations listed in Appendix Two hereto may be modified from time to time by the city manager without necessity of additional ordinance by the city council.

In making a determination regarding whether to permit that rent increase which is in excess of the annual permissive rent increase when serious code violations exist, the commission and city staff shall have the discretion to work with a park owner to bring a park into compliance over a period of time. If a park owner contends that immediate compliance would result in the immediate closure of a park, the commission and city staff shall consider this contention and address the issues of compliance on a case-by-case basis. However, the city council finds that compliance with the minimal health and safety standards provided for herein will not result in such closures. (Ord. 3195 §1, 2011; Ord. 2862 §1, 2002).

9.50.085 Compliance with law and posting and disclosure requirements.

A. Every mobilehome park owner shall comply with the provisions of the Mobilehome Residency Law (Chapter 2.5, Section 798 of the California Civil Code), and the provisions of this chapter. Also, a copy of the Mobilehome Residency Law and this chapter shall be prominently posted in a common area of each park's premises at all times.

B. In addition, the information contained in the disclosure below shall be provided as follows:

1. When a mobilehome in a park is to be sold and it will remain in the park, the seller shall show the disclosure to all potential buyers;

2. The park owner will provide a copy of the disclosure to a buyer of a mobilehome that will remain in the park prior to signing of a rental/lease agreement; and

3. A copy of the disclosure acknowledged by the buyer shall be an addendum to every rental agreement, copies of which shall be kept by both the park owner and resident.

MUNICIPAL CODE CHAPTER 9.50 ("RENT CONTROL") DISCLOSURE

Chula Vista Municipal Code Chapter 9.50, Mobilehome Park Space Rent Review, governs all mobilehome park spaces for leases of 12 months or less. For leases of more than 12 months, Chapter 9.50 does not apply, per Section 9.50.012 and State law.

Chapter 9.50 generally applies to, but is not limited to, **rent control** measures. Of particular interest is Section 9.50.077, which prohibits rental petitions upon change of ownership or space vacancy.

Once in place, existing resident rights are defined in Section 9.50.063, which details the noticing requirements for increases in space rent. Please initial to acknowledge reading of each section:

____(initial) 1. I understand that in order to be eligible for rent control within the City of Chula Vista my rental agreement terms must be eligible under State law and meet the following criteria: (1) the coach/trailer is owned by the resident; (2) the resident has a valid space lease/rental agreement for a term of 12 months or less; and (3) it is the resident's principal residence.

____(initial) 2. I further understand that under Section 9.50.030 I must pay an administrative fee to have my space protected by rent control. The City will send a bill in June of my first year of residency and each subsequent June to receive the benefits and services ("Rent Control") described below. Failure to pay the fee means my space will not be subject to rent control and the information in the remainder of this disclosure will not be applicable to my space.

____(initial) 3. If I receive a written statement of rental increase where the "cumulative annual increase" (total rent increase for the space within the past year) is greater than the applicable change in the CPI, when the CPI is three percent (3%) or less, and 75 percent of that change in the CPI above three percent (3%) I have the rights to petition such increase to the City after attending an informal meeting with the park owner where we shall attempt to negotiate, in good faith, a fair rental rate.~~, then the current mobilehome owner has the right to request a hearing from the Chula Vista Mobilehome Rent Review Commission for enforcement of Chapter 9.50. For the purposes of this paragraph "cumulative annual increase" means the total rent increase for the space within the past year.~~
~~For example, if the annual permissive rent increase is four percent, but the rent was increased less than four percent, the park owner may require an additional rent increase up to the total four percent without becoming subject to the right to appeal provisions of the Mobilehome Park Space Rent Review Ordinance.~~

____(initial) 4. If resolution to the rental dispute is not reached at the informal meeting, I may request a ~~This~~ hearing before the City of Chula Vista Mobilehome Rent Review Commission for enforcement of Chapter 9.50~~must be requested~~ within 30 days of receiving such written rental statement by submitting a Request for Hearing Form to the City of Chula Vista, the address of which is listed below.

A copy of the Mobilehome Rent Review Ordinance is available at the City of Chula Vista, Attn: Mobilehomes, 276 Fourth Avenue, Chula Vista, CA 91910 or one can be obtained from park management.

Acknowledgment:

Mobilehome Owner Signature_____

Date:_____

Printed Name_____
(Ord. 3195 §1, 2011; Ord. 2862 §1, 2002).

9.50.087 Implementation guidelines.

After a noticed public hearing, as it deems necessary, the Commission may adopt guidelines or regulations to aid in the implementation of this chapter and to assure a fair hearing process. (Ord. 3195 §1, 2011; Ord. 2862 §1, 2002).

9.50.090 Mobilehome resident's right of refusal.

A mobilehome resident may refuse to pay any increase in rent which is in violation of this chapter. Such refusal to pay shall be a defense in any action brought to recover possession of a mobilehome space or to collect a rent increase. (Ord. 3195 §1, 2011; Ord. 2862 §1, 2002).

9.50.092 Retaliatory eviction.

In any action brought to recover possession of a mobilehome or mobilehome space, the court shall consider as grounds for denial any violation of any provision of this chapter. Further, the determination that the action was brought in retaliation for the exercise of any rights conferred by this chapter shall be grounds for denial. (Ord. 3195 §1, 2011; Ord. 2862 §1, 2002).

9.50.100 Civil and administrative remedies.

A. Civil Action. Any person who demands, accepts, receives or retains any payment of rent in excess of the maximum rent allowable by this chapter shall be liable in a civil action, including unlawful detainer, to the person upon whom the demand was made or from whom the rent was accepted in an amount of up to triple the amount of such improperly collected rent, and for such reasonable attorney's fees and costs as may be determined by the court.

B. Administrative Action. In the event any owner is determined, after a duly noticed hearing by the mobilehome rent review commission, to have willfully and improperly collected rents or other fees or charges, the commission may, on the basis of evidence received at such hearing supporting a determination that such rents, fees or charges were willfully and improperly collected, require a reduction in rent or a reimbursement of such improperly collected rents, fees, or charges, in an amount of up to triple the amount of such improperly collected rents, fees or charges. (Ord. 3195 §1, 2011; Ord. 2862 §1, 2002).

9.50.102 Criminal Remedies.

Any person committing a violation of this chapter shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the provisions of this chapter shall be punished by a fine of not more than a $1,000 or by imprisonment in the county jail for a period of six months in jail or by both such fine or imprisonment. The following nonexclusive acts, without limitation due to enumeration, shall constitute a criminal violation of this chapter, including the owner of a park if done by an owner's agent with the knowledge or consent of the owner:

A. Knowingly demanding, accepting or retaining any rent in excess of the amount fixed by this chapter, including the demanding of rent waived under the provisions of CVMC 9.50.075(E), except that demands for annual increases in rent and negotiations for rent permitted under this chapter shall not be deemed illegal.

B. Knowingly commencing, or threatening to commence, or maintaining an eviction or unlawful detainer proceeding against a resident for the failure to pay a rent in excess of the amount fixed pursuant to this chapter. (Ord. 3195 §1, 2011; Ord. 2862 §1, 2002).

9.50.115 Severability.

If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held invalid or unconstitutional, such portion shall be deemed a separate and independent provision and such decision shall not affect the validity of the remainder. (Ord. 3195 §1, 2011; Ord 2862 §1, 2002).

APPENDIX ONE

NOTICE - RENT INCREASE IN EXCESS OF THE ANNUAL PERMISSIVE RENT INCREASE

IF YOU DO NOT TAKE ACTION TO REQUEST A HEARING BY THE MOBILEHOME RENT REVIEW COMMISSION WITHIN THIRTY DAYS, THIS INCREASE SHALL BE AUTOMATICALLY EFFECTIVE ON (DATE) [Not sooner than ninety days after date of notice.], EXCEPT AS PROVIDED IN SECTION 9.50.079 ET SEQ AND SUBJECT TO THE NOTICING REQUIREMENTS CONTAINED THEREIN

This is a notice of a rent increase which exceeds the annual permissive rent increase as set forth in Section 9.50.050 of the City of Chula Vista's Municipal Code. An annual rent increase of the percentage increase of the Consumer Price Index (CPI) for the most recent twelve (12) month period, as reported by the Bureau of Labor Statistics, preceding this notice, when the CPI is three percent (3%) or less, and 75 percent of that change in the CPI above three percent (3%) is allowed without a right to a hearing of the Commission. The CPI is ___% and the annual permissive rent increase is ____%. This increase is __% of your current rent.

Additionally, this is your notice that Chapter 9.50 of the City of Chula Vista Municipal Code specifies that rents in excess of the annual permissive rent increase as set forth in Section 9.50.050 cannot be automatically increased for any park when there exists serious violations of applicable codes, as specifically listed in Appendix Two to Chapter 9.50.

Under the city's Municipal Code, you are entitled to the following rights:

1. **Informal Meeting**. I am required to hold a meeting with the residents to discuss the general reasons for the increase. The meeting will be at _____ [state time (must be within ten days) and place (should be at mobilehome park)]. Under the City's ordinance, owners and residents are encouraged to attempt to resolve differences and reach a voluntary agreement regarding this increase.

2. **Right to a Hearing**. You have the right to file for a hearing and determination by the Mobilehome Rent Review Commission by delivering a form as described in Section 9.50.066. You may file for such hearing only if you or your representative attends the meeting to discuss the increase. To file for such hearing you must deliver the request for Hearing form to the City within thirty days of the date this notice is served on you.

   If you are unable to attend the meeting as scheduled, you may elect to send a representative. Please submit in writing to the park owner and the City notification that you have elected to be represented at such meeting by another party and stating the name of your representative.

3. **Failure to Attend Informal Meeting**. If a resident does not attend this meeting or is not represented by someone, he or she shall have no right to a hearing but may rely on other residents of the mobilehome park to cause a public hearing to be scheduled. In the event a request for hearing is initiated, the action will include the rent increase issues with regard to all the affected residents.

4. **Review of Serious Code Violations**. In order to establish a minimal level of health and safety standards which must exist in all mobilehome parks prior to any rent increase in excess of the annual permissive rent increase, the City will conduct an inspection of this mobilehome park in compliance with the requirements of Section 9.50.079 and based upon Appendix Two. A list of the specific code violations which apply may be obtained from the City during normal business hours, and is required to be posted in a common area of each park's premises at all times.

   The City will provide notice of its determination as to whether or not a serious violation or violations exist at the mobilehome park and whether it or they do adversely affect the health, safety, and general welfare of residents to any homeowners association at the park, which is registered with the City, and to the park owner. It is the City's intent to attempt to resolve serious code violations during the 90-day period required by State law prior to the effective date of any rent increase. Sections 9.50.080 does not limit or preclude the City from proceeding in accordance with all applicable laws against a park owner if it is found that a violation of code exists at the park.

The following space numbers are subject to this increase: [insert numbers of affected spaces].

If you have questions, or need more information regarding the hearing process or serious code violations, you can call the City at (619) 585-5722.

_____

Park Owner/Manager Date

REQUEST FOR HEARING

Rent Increase In Excess
Of The Annual Permissive Rent Increase

The undersigned hereby requests a hearing before the Mobilehome Rent Review Commission with regard to a proposed rent increase described in the attached notice - Rent Increase in excess of the annual permissive rent increase relating to the _____ Mobilehome Park. [Note: make certain you attach a copy of the notice of Rent Increase you received from the park owner.]

The undersigned is a resident of the park and has attended a meeting with the park owner , or sent a representative on his behalf, as required in Section 9.50.064 of the Chula Vista Municipal Code. The dispute has not been settled. The undersigned has also paid the administrative fee required under Section 9.50.030.

It is understood that this request is irrevocable and that it may be relied on by other residents of the mobilehome park to cause a public hearing to be scheduled, and that the Mobilehome Rent Review Commission will schedule a public hearing to consider the proposed rent increase, taking into consideration the factors described in Chula Vista Municipal Code Section 9.50.073, and that the decision of the Mobilehome Rent Review Commission shall be applicable to all affected homeowners and shall be final and binding.

Signed _____

Print Name _____

Address _____

Telephone No. _____

Date _____

[The completed form must be delivered to the City of Chula Vista, Attn: Mobilehomes, 276 Fourth Avenue, Chula Vista CA 91910]

MOBILEHOME PARK
CODE VIOATIONS WHICH MAY CREATE SERIOUS HEALTH, SAFETY, AND WELFARE PROBLEMS

INDIVIDUAL SPACES – Exterior only

A. All lots shall be numbered in a conspicuous location facing the interior roadway. [Section 1104(a)]
B. Power sources and plumbing adequately supplied, supported, and protected. [Sections 1170, 1182, and 1280]
C. No illegal discharge of liquid or solid wastes (CVMC 19.66.150)

<u>THE FOLOWING APPLY TO PARK GROUNDS – NOT INDIVIDUAL SPACES</u>

PARK IN GENERAL – <u>not</u> individual spaces/lots

PARK GROUNDS

A. Clearly identify park address at street [CVMC Section 12.48.030]
B. Emergency information posted in conspicuous place. [Section 1686]
C. Unobstructed roadway shall be a 25 feet minimum (15 feet minimum if park constructed prior to 9-15-61. If parking is allowed on one side of roadway, minimum clearance is 32 feet, and if parking is permitted on both sides of roadway, a minimum clearance of 40 feet is required. If there is some type of curb divider, each side must be a minimum of 15 feet. [Section 1106]
D. Maintain proper grading and drainage (Accumulation of water) [Section 1610(a)]
E. Adequate refuse/rubbish disposal. [Section 1610 (d)]
F. No illegal discharge of liquid or solid wastes (CVMC 19.66.150)

PERMANENT BUILDING STRUCTURES

G. Any new structures or work to have required permits [Section 1018(a)]
H. Maintenance sufficient to assure minimum life and safety standards [Section 1636]
I. Water heater properly installed and vented [Uniform Plumbing Code Sections 508.0, 512.1, and 608]
J. Required lighting in public toilets, showers, and laundry facilities [Section 1612]
K. Conformance with the California Fire Code (CFC):
    1. Exit Doors (CFC 2501.8)
    2. Aisles (CFC 2501.9)
    3. Seating (CFC 2501.10)
    4. Exit ways must be free of obstructions. [CFC 2501.11]
    5. Fire extinguishers shall be maintained in good repair. [CFVC 2501.13]
    6. Exits shall be identified and lighted [CFC 2501.15, 1211 and 1212]
    7. Room capacity shall be posted [CFC 2501.16.1]

UTILITIES

L. All electrical equipment outside permanent buildings shall comply with requirements of the California Electrical Code (CEC). [Section 1134(a) and 1384]

M. All overhead electrical supply and conductors and supporting structures shall comply with requirements of the California Public Utilities Commission Rules for Overhead Electrical Line Construction. [Section 1134.(b) & (c)]

N. Connections adequately protected if subject to potential damage by vehicles, etc. [Sections 1228(a) and 1280]

O. All electrical switches, circuit breakers, receptacles, lighting fixtures, control equipment, and metering devices located in wet places or outside of a building shall be rain-tight type equipment. [Section 1170(a)]

P. Sufficient space around electrical equipment to permit ready and safe operation. [Section 1646(a)(b)]

Unless otherwise noted, all Section references are found in Title 25 of the California Code of Regulations.

The city of Chula Vista shall provide a copy of all referenced code sections to all park owners and/or their agents. Copies of these referenced code sections shall be maintained at all times at the on-site Manager's office and may be viewed during normal business hours by any and all residents.