

Mountain View Rental Housing Committee  
**Mobile Home Parks**

*Discussion Draft*

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**CHAPTER 7  
MOBILE HOME PARKS**

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**A.      Purpose.**

1.      Background. Residents of mobile home parks in the City of Mountain View generally must rent the space or lot on which the mobile home is located. Under the Community Stabilization and Fair Rent Act ("Act"), a mobile home space qualifies as a Rental Unit because a mobile home space is "rental property rented or offered for rent for residential purposes." Because mobile home spaces qualify as Rental Units and do not qualify for any of the exemptions included in Sections 1703 and 1704 of the Act, mobile home spaces are Covered Rental Units subject to the Act.

2.      Explanation. Mobile home spaces are regulated as Covered Rental Units and are at times also regulated by the state Mobilehome Residency Law (Civil Code sections 798 – 799.11, the "MRL"). Because the Act and the MRL both govern aspects of renting mobile home spaces but provide different and occasionally conflicting rules, one purpose of this Chapter is to implement provisions of the Act consistent with the MRL. This Chapter provides one source of relevant regulatory information for renting mobile home spaces in the City of Mountain View. However, neither the Act nor these Regulations can preempt state law and so this Chapter identifies conflicts and provides references to relevant provisions of the MRL as of the date of this Chapter. References to and any quotations of state law are provided for informational purposes only and are not meant to provide legal advice and cannot supersede or otherwise negate changes to the MRL or any other state law, as they may be amended from time to time.

**B. Application to Mobile Home Parks.**

1. Mobile Home Spaces as Covered Rental Units. Unless expressly exempt under this Section, each Mobile Home Space in a Mobile Home Park held out for rent is a Covered Rental Unit under the Act.

2. Full Exemption - Spaces built after January 1, 1990. In accordance with Civil Code sections 798.45 and 798.7, each newly constructed space initially held out for rent after January 1, 1990 is exempt from all aspects of the Act. This exemption wholly encompasses the full exemption in Section 1703(a)(5) of the Act (exempting units with an initial certificate of occupancy issued after December 23, 2016) and the partial exemption included in Section 1703(b)(1) of the Act (partially exempting units with an initial certificate of occupancy issued between February 1, 1995 and December 23, 2016).

3. Temporary Exemption. A Tenancy for a Mobile Home Space that is created by a rental agreement that meets the criteria identified in Civil Code section 798.17(b)(1) through 798.17(b)(5), as those sections may be amended, is a Temporarily Exempt Tenancy, which Tenancy and the Mobile Home Space to which it pertains are generally exempt from the Act and these Regulations, unless and until the Mobile Home Space is no longer subject to:

- a. a rental agreement meeting the criteria of Civil Code section 798.17(b);
- b. an extension of a rental agreement meeting the criteria of Civil Code section 798.17(b); or
- c. a new rental agreement meeting the criteria of Civil Code section 798.17(b).

4. Park Owner's Affirmative Obligation to Disclose Status. Notwithstanding a Full or Temporary Exemption that may apply to a specific Mobile Home Space, each Park Owner is affirmatively required to identify and disclose on an annual basis whether each Mobile Home Space in a Mobile Home Park is a Covered Rental Unit or is subject to a Full Exemption or Temporary Exemption.

**C. Definitions.**

For purposes of Chapter 7, the following definitions apply; all other capitalized terms are defined by the Act.

1. Act, the. The Act is the Community Stabilization and Fair Rent Act, Article XVII of the City Charter.

2. Base Rent. Notwithstanding Section 1702(b) of the Act, Base Rent is defined and shall be calculated as stated in Section (E) of this Chapter 7.

3. Communal Facilities. Communal Facilities are those services and facilities within the Mobile Home Park that Mobile Home Residents are entitled to use, including but not limited

to any private roads or rights of way, clubs or clubhouses, and each other common area facility that is open or available to Mobile Home Residents of the Mobile Home Park.

4. Mobile Home Owner. The Mobile Home Owner is the person(s) or entity that lawfully owns the mobile home, as documented by either the California Department of Housing and Community Development or the California Department of Motor Vehicles.

5. Mobile Home Park. The term Mobile Home Park is the same as the definition of mobilehome park as defined in Civil Code section 798.4.

6. Mobile Home Resident. The Mobile Home Resident is the persons(s) entitled under the terms of a Rental Housing Agreement, as that term is defined in Section 1702(q) of the Act, or under the terms of the Act and this Chapter 7, to the use or occupancy of a Mobile Home Space, regardless of whether the Mobile Home Resident is also the Mobile Home Owner.

7. Mobile Home Space. A Mobile Home Space is the lot or space of land in a Mobile Home Park, where a mobile home is or may be located, as well as the right or license to access that space or lot and any other Communal Facilities in the Mobile Home Park.

8. Mobilehome Residency Law and "MRL." The Mobilehome Residency Law, referred to as the "MRL," is codified in California Civil Code sections 798 through 799.11, as it may be amended from time to time.

9. Park Owner. The Park Owner is the person(s) or entity that lawfully owns and/or operates a Mobile Home Park, including each manager, agent, and representative authorized to act on behalf of the owner or operator, as well as the predecessor, and any successor, in interest to the owner.

10. Rent. Notwithstanding Section 1702(s) of the Act, Rent is defined and shall be calculated as stated in Section E of this Chapter 7.

11. Temporarily Exempt Tenancy. A Temporarily Exempt Tenancy is defined in Section B of this Chapter.

12. Tenancy. A Tenancy is the legal relationship created by an agreement with a Park Owner, whether oral, written, or implied, for use or occupancy of a Mobile Home Space.

#### **D. Application of Chapters 4, 5, and 6 of the Regulations.**

1. General Rules of Interpretation. For purposes of applying Chapters 4, 5, and 6 of the Regulations to the rental of Mobile Home Spaces, the following general rules of interpretation shall be used to modify each Section of Chapters 4, 5, and 6 of the Regulations, unless the Section or subsection in Chapter 4, 5, or 6 is expressly revised in this Section D of Chapter 7 of the Regulations.

a. The term "Housing Services" shall mean any benefit, privilege, or facility connected with the use or occupancy of a Mobile Home Space, and shall include a proportionate part of access to and services provided to Communal Facilities.

- b. The term "Landlord" shall be replaced with the term "Park Owner."
- c. The term "Tenant" shall be replaced with the term "Mobile Home Resident."
- d. References to sections and subsections are as follows: the first digit is a number without parentheses and refers to the Chapter of the Regulations, the second digit is a capitalized letter inside parentheses and refers to a Section within the Chapter of the Regulations, the third digit is a number inside parentheses and refers to a subsection of the Section within a Chapter of the Regulations (e.g. "Section 4(J)" refers to the Regulations Chapter 4, Section J and "subsection 5(E)(6)" refers to the Regulations Chapter 5, Section E, subsection 6).

2. Petition Process. For purposes of applying Chapter 4 of the Regulations (Petition Process) to the rental of Mobile Home Spaces, the following Sections of Chapter 4 are revised as described below.

- a. Subsection 4(A)(3) is deleted in its entirety.
- b. Subsection 4(E)(1) is deleted in its entirety and replaced with the following text:

HCD Report. If available, a copy of any relevant mobilehome park maintenance inspection report from the California Department of Housing and Community Development.

- c. Subsection 4(H)(3) is deleted in its entirety and replaced with the following text:

A description of the Mobile Home Park, including an itemized list of the Mobile Home Spaces that are subject to the Act, Mobile Home Spaces that are Fully Exempt under Regulation Section 7(B)(2), and Mobile Home Spaces that are Temporarily Exempt under Regulation Section 7(B)(3), as well as an explanation of other relevant facilities, Communal Facilities, and Housing Services.

- d. Subsection 4(H)(6) is deleted in its entirety and replaced with the following text:

A Rent roll identifying current Rents and any other fees or charges, including utilities, that are received by the Park Owner itemized per Mobile Home Space.

- e. Subsection 4(H)(11) is deleted in its entirety and replaced with the following text:

The cost of planned or completed Capital Improvements to any Mobile Home Space or Communal Facilities (as distinguished from ordinary repair, replacement, and maintenance), to which the Petition applies, but only where such Capital Improvements are necessary to bring a Mobile Home Space and/or Communal Facility into compliance or maintain compliance with applicable state codes affecting health and safety, and where

such Capital Improvement costs are amortized over the life of the improvements as defined under the Act and implementing Regulations. State codes affecting health and safety include but are not limited to: the Mobilehome Parks Act (Health and Safety Code sections 18200 - 18700) and the Mobilehome Park regulations codified in the California Code of Regulations, Title 25, Division I, Chapter 2, the Special Occupancy Parks Act (Health and Safety Code sections 18860 - 18874) and the Special Occupancy Park regulations codified in the California Code of Regulations, Title 25, Division I, Chapter 2.2, and the International Property Maintenance Code as incorporated by reference into the Mountain View City Code, as each may be amended or revised;

f. Subsection 4(H)(13) is deleted in its entirety and replaced with the following text:

A description and documentation of any substantial deterioration of each Mobile Home Space and/or Communal Facilities other than as a result of normal wear and tear;

g. Subsection 4(H)(14) is deleted in its entirety and replaced with the following text:

Confirmation that the Park Owner provides adequate Housing Services, and substantially complies with all applicable state laws related to mobile and manufactured home parks, and the Rental Housing Agreement;

h. Section 4(I) is deleted in its entirety and replaced with the following text:

#### **Petitioner Notice of Submission**

Upon submitting a Petition to the Rental Housing Committee or its designee, the Petitioner must provide a copy of the completed Petition form described in Chapter 4 Section C and an informational notice form produced by the Rental Housing Committee to any party that may oppose a Petition. Park Owner must provide notice to each Mobile Home Owner of each Mobile Home Space to which the Petition applies at the address of each affected Mobile Home Space. A Mobile Home Owner must provide notice to the Park Owner of the Mobile Home Space to which the Petition applies at the address of the Park Owner, or at the address where rent is typically delivered. If the Mobile Home Owner is not the Mobile Home Resident of any Mobile Home Space to which a petition applies, then the Park Owner, Mobile Home Owner, and Mobile Home Resident must each receive a copy of the completed Petition form described in Chapter 4 Section C and an informational notice form produced by the Rental Housing Committee.

i. Section 4(J) is deleted in its entirety and replaced with the following text:

At the sole discretion of the Rental Housing Committee, or its designee, any Petition may be consolidated with any other Petition related to: (1) the same Mobile Home Space; or (2) one or more other Mobile Home Space(s) located in the same Mobile Home Park as the Mobile Home Space.

3. Hearing Process. For purposes of applying Chapter 5 of the Regulations (Hearing Procedure) to the rental of Mobile Home Spaces, the following Sections of Chapter 5 are revised as described below.

a. Bullet three of subsection 5(F)(2)(b) is deleted in its entirety and replaced with the following text:

- A list of any unresolved violations of federal, state, or local laws of which the Hearing Officer is aware, if any; and

4. Fair Return Standard. For purposes of applying Chapter 6 of the Regulations (Fair Return Standard) to the rental of Mobile Home Spaces, the following Sections of Chapter 6 are revised as described below.

a. Subsection 6(E)(2)(c) is deleted in its entirety.

b. Subsection 6(E)(2)(j) is deleted in its entirety and replaced with the following text:

Contributions to lobbying efforts or organizations which advocate on behalf of Park Owners on local, State, or Federal legislative issues; or

c. Subsection 6(F)(1)(a) is deleted in its entirety and replaced with the following text:

Be necessary to bring the property or Covered Rental Unit into compliance, or to maintain compliance, with applicable building or housing codes, including, without limitation, additions or modifications made to prevent the conditions listed in the Mobilehome Parks Act (Health and Safety Code sections 18200 - 18700) and the Mobilehome Park regulations codified in the California Code of Regulations, Title 25, Division I, Chapter 2, the Special Occupancy Parks Act (Health and Safety Code sections 18860 - 18874) and the Special Occupancy Park regulations codified in the California Code of Regulations, Title 25, Division I, Chapter 2.2, and the International Property Maintenance Code as incorporated by reference into the Mountain View City Code, as each may be amended or revised; and

d. Subsection 6(G)(3) is deleted in its entirety.

#### **E. Rent Stabilization.**

1. Rent. Rent is the sum of all periodic payments and all nonmonetary consideration provided for the use or occupancy of a Mobile Home Space, access to and from the Mobile Home Space, and any Communal Facilities, including but not limited to the fair market value of goods accepted, labor performed, or services rendered. Rent excludes:

a. any incidental reasonable charges for services actually rendered in accordance with Civil Code sections 798.31 and 798.32; and

b. any separately billed utility fees and charges, which shall not be deemed to be Rent charged for a Mobile Home Space in accordance with Civil Code section 798.41; and

c. any fee, assessment, or charge paid pursuant to Civil Code section 798.49(a), including any actual fee or cost imposed by a local government pursuant to Civil Code section 798.37.

2. Base Rent. The Base Rent is the reference point from which the lawful Rent shall be determined and adjusted in accordance with the Act and this Chapter 7.

a. Tenancies commencing on or before October 19, 2015. The Base Rent for a Tenancy for a Mobile Home Space, which Tenancy commenced on or before October 19, 2015, shall be the monthly Rent in effect on October 19, 2015.

b. Tenancies commencing after October 19, 2015 and on or before December 23, 2016. The Base Rent for a Tenancy for a Mobile Home Space, which Tenancy commenced after October 19, 2015 but on or before December 23, 2016, shall be the initial monthly Rent charged when the Tenancy began, provided that amount is not a violation of the Act or any provision of state law. The term "initial monthly Rent" means only the amount of Rent actually charged and received by the Park Owner for one month of the initial term of the Tenancy.

c. Tenancies commencing after December 23, 2016. The Base Rent for a Tenancy for a Mobile Home Space, which Tenancy commenced after December 23, 2016, shall be the last monthly Rent charged for the Mobile Home Space under the previous Tenancy for the Mobile Home Space. The term "last monthly Rent" means only the amount of Rent actually charged and received by the Park Owner for the last complete month of the Tenancy.

d. Tenancies commencing after a Temporarily Exempt Tenancy. The Base Rent for a Tenancy for a Mobile Home Space, which Tenancy commenced after the conclusion of a Temporarily Exempt Tenancy for the same Mobile Home Space, shall be the last monthly Rent charged for the Mobile Home Space immediately prior to the commencement of the Temporarily Exempt Tenancy. The term "last monthly Rent" means only the amount of Rent actually charged and received by the Park Owner for the last complete month of the previous Tenancy.

3. Rent Increases and Decreases. Sections 1706, 1707, 1710, and 1711 of the Act each apply to a Tenancy for a Mobile Home Space, subject to the general rules of interpretation described in Section D(1) of this Chapter 7, and subject to the following exceptions.

a. Subsection 1707(c) of the Act is deleted in its entirety and replaced with the following text in accordance with Civil Code sections 798.19 and 798.30:

*Notice of Rent Increase Required.* Allowable Rent increases pursuant to the Annual General Adjustment shall become effective only after the Park Owner provides written notice to the Mobile Home Owner and/or Mobile Home Resident (whoever maintains the Tenancy) in the manner prescribed by Civil Code Section 798.30 as such code may be amended from time to time.

4. Vacancy Control.

[See Staff Report.]

**F. Terminating a Tenancy for a Mobile Home Space.**

1. Just cause for eviction protections. In accordance with Civil Code section 798.19, Tenancies for a Mobile Home Space may only be terminated by a Park Owner in accordance with Civil Code sections 798.55 through 798.61 (Article 6 of the MRL). Subsections (a), (b), and (c) of Section 1705 of the Act, and any Regulations interpreting those subsections, are inapplicable to Tenancies for a Mobile Home Space. Nothing in this Section 1705 of the Act or this Section of the Regulations shall be interpreted to conflict with or otherwise supersede any rights and obligations included in Article X of Chapter 28 of the City Code relating to Mobile Home Park Conversion or Cessation of Use.

2. Notice to City. The Park Owner shall file with the Rental Housing Committee a copy of any notice terminating a Tenancy within three (3) days after serving the notice, in accordance with subsection (g) of Section 1705 of the Act.

**G. Rental Housing Fee.**

The Rental Housing Fee is a fee or exaction imposed upon Park Owners for the specific purpose of defraying the cost of administration of the Act, which establishes a maximum amount that Park Owners may charge as Rent for a Mobile Home Space. Each Park Owner shall pay a Rental Housing Fee on an annual basis for each Mobile Home Space in an amount determined by the Rental Housing Committee, unless the Mobile Home Space is exempt or temporarily exempt in accordance with Section (B) of this Chapter 7.