

ORDINANCE NO. 90-71

AN ORDINANCE ADDING CHAPTER 9 TO TITLE II OF THE ALAMEDA COUNTY
ORDINANCE CODE RELATING TO MOBILE HOME SPACE RENT STABILIZATION

The Board of Supervisors of the County of Alameda, State of California, do ordain as follows:

SECTION I

Chapter 9 is added to Title II of the Ordinance Code of the County of Alameda as follows:

Section 1-74.0 Findings and Purpose.

There is presently within the unincorporated area of Alameda County and the surrounding areas a shortage of space for location of mobilehomes. This has resulted in a low vacancy rate and rents have been and are presently rising rapidly and causing concern among a substantial number of residents. Because of the high cost of moving mobilehomes and the potential for damage resulting therefrom, the requirements relating to the installation of mobilehomes, including permits, landscaping and site preparation, the lack of alternative homesites for mobilehome owners, and the substantial investment of mobilehome owners in such homes, the Board of Supervisors finds and declares it necessary to protect the owners and occupiers of mobilehomes from unreasonable rent increases, while at the same time recognizing the need of the park owners to receive both a fair return on their property and rental income sufficient to cover increasing costs of repair, maintenance, insurance, employee service and utility government assessments.

Section 2-74.1 Definitions.

- (a) Board. Alameda County Board of Supervisors.
- (b) Park. A mobilehome park which rents or leases spaces for mobilehome dwelling units in the unincorporated area of Alameda County.
- (c) Mobilehome Park Owner. The owner, lessor, operator or manager of a mobilehome park.
- (d) Mobilehome Tenant. Any person entitled to occupy a mobilehome dwelling unit pursuant to ownership thereof or a lease or rental arrangement with the owner thereof.
- (e) Rent. The consideration, including any bonus, benefits or gratuity demanded or received in connection with the use and occupancy of a mobilehome space in a mobilehome park, but exclusive of any amounts paid for utilities, the use of the mobilehome dwelling unit, subletting or security deposit.
- (f) Capital Improvements. Those improvements that materially add to the value of the property and appreciably prolong its useful life or adapt it to new uses and which may be amortized over the useful life of the improvements in accordance with the Internal Revenue Code.
- (g) Housing Services. Services provided by the owner related to the use or occupancy of a mobilehome space, including but not limited to insurance, repairs, replacements, maintenance, painting, lighting, heat, water, refuse removal, laundry facilities, recreation facilities, parking security and employee services.

(h) **Rehabilitation.** That work done by an owner to a mobilehome space, or to the common area of the property containing a mobilehome space, which is performed either to secure compliance with any state or local law or to repair damage resulting from fire, earthquake, or other casualty or natural disaster to the extent such repair is not reimbursed by insurance proceeds.

Section 2-74.2 Maximum Rent Increase. The annual rent payable for use or occupancy of any mobilehome space shall not be increased by more than 5%. This provision shall apply regardless of whether there is a change in the mobilehome tenant occupying the space.

Section 2-74.3 Rent Increase in Excess of Increase Allowed Under Section 2-74.2.

(a) If dissatisfied with the maximum rent permitted by Section 2-74.2 of this chapter, an owner may request an adjustment in rents according to the provisions of this section. However, no owner of a mobilehome park may request more than one adjustment to rents during the twelve-month period following the first full day the rent increase authorized by Section 2-74.2 is put into effect.

(b) An owner may request an adjustment in excess of the rent increase authorized by Section 2-74.2 by conforming to the following procedures:

(1) The owner of a mobilehome park seeking an adjustment in rents must submit a petition for rent adjustment to the Board. The petition shall contain relevant and detailed documentation supporting the level of rent increase requested.

(2) The petition shall be filed with the Clerk of the Board of Supervisors no later than 60 days before the desired date the requested rent increase is to take effect.

(3) The petition shall contain a copy of a certified letter sent to the affected tenants notifying them of the petition and the amount of increase requested.

(4) The petition shall contain a statement attesting to the availability of any records required by the Board to complete its review of the request for rent adjustment. Records shall include, but not be limited to, any audits of the mobilehome park's books, financial statements, and records relating to any governmental or utility assessments which have been levied upon the mobilehome park.

(5) The petition shall be accompanied with a check or money order in the amount of \$300.00 to cover costs incurred by the Board in fulfilling its responsibilities. This fee is nonrefundable.

(6) The petition shall be submitted under penalty of perjury.

Section 2.74.5 Powers and Duties of the Board.

The Board shall have the following powers and duties:

(a) To receive, investigate, hold hearings on, and pass upon the petitions for rent adjustment.

(b) To make or conduct such independent hearings or investigations as may be appropriate to obtain such information as is necessary to carry out its duties.

(c) To adopt, promulgate, amend and rescind administrative rules to effectuate the purposes and policies of this chapter.

Section 2-74.9 Tenant's Right of Refusal.

A tenant may refuse to pay any increase in rent which is in violation of this ordinance. Such refusal to pay shall be a defense in any action brought to recover possession of a mobilehome space or to collect the rent increase.

Section 2-74.10 Severability.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the chapter.

SECTION II

This Ordinance shall take effect and be in force thirty (30) days from and after the date of passage and before the expiration of fifteen (15) days after its passage it shall be published once with the names of the members voting for and against the same in The Inter-City Express, a newspaper published in the said County of Alameda.

Adopted by the Board of Supervisors of the County of Alameda, State of California, on the 25th Day of September, by the following called vote:

AYES:	Supervisors	Campbell, King, Widener and Chairman Perata - 4
NOES:	Supervisors	None
EXCUSED:	Supervisors	Santana - 1

DON PERATA
Chairman of the Board of Supervisors ,
County of Alameda, State of California

ATTEST: WILLIAM MEHRWEIN, Clerk,
of the Board of Supervisors, County
of Alameda, State of California

By **WILLIAM MEHRWEIN**