

## TITLE 16

### MOBILEHOMES AND MOBILEHOME PARKS

#### CHAPTERS:

- 16.04 Park Rules and Regulations
- 16.08 Use and Storage of Trailers
- 16.12 Mobilehome Park Conversions
- 16.16 Mobilehome Rent Review Commission
- 16.20 Sale of Mobilehome Parks
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#### CHAPTER 16.04

##### PARK RULES AND REGULATIONS

###### SECTIONS:

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**16.04.010 Authority.** The rules and regulations set forth in this chapter are adopted pursuant to the authority of Section 18300 of the Health and Safety Code.

**16.04.020 Definitions.** The following terms and conditions shall have the meaning ascribed to them in Chapter 1 of Part 2.1 of Division 13 of the Health and Safety Code (commencing with Section 18200): lot, mobilehome park, recreational vehicle, travel trailer, and travel trailer park.

**16.04.030 Park Area.** Each mobilehome park, recreational trailer park and travel trailer park established after the effective date of this section shall contain a minimum of five (5) acres of land; provided, however, that a park may be operated as a smaller parcel if application for a permit was made on or before May 19, 1969, and a permit was issued by an agency having jurisdiction over such parks and actual construction of the park was begun prior to July 19, 1969. The land shall be properly graded to provide for adequate drainage and freedom from standing pools of water.

**16.04.040 Signs.** Every mobilehome park shall be identified as such by a sign displaying the name of the park, which sign shall be clearly visible and readable from the road, street or highway upon which the mobilehome park fronts.

**16.04.050 Requirements applicable to all parks.** The rules and regulations set forth in this chapter applicable to a mobilehome park are equally applicable to a recreational trailer park and travel trailer parks.

#### **Supplement No. 3 - 1994 Code**

##### **16.04.060 - 16.04.070**

**16.04.060 Operating Permit Fee.** The fee for any operating permit issued by the Building Official shall be the annual operating permit fee established by Section 18502 of the Health and Safety Code.

##### **16.04.070 Park Rules and Regulations.**

- a) **Intent.** This ordinance provides for review and approval of any change, addition, deletion or modification of Park Rules and Regulations affecting the residents of a Mobilehome Park within the City of San Marcos, prior to implementation thereof by a Park Owner.
- b) **Committee.** The residents of each Mobilehome Park shall provide through their homeowner representative group, by election or appointment, a "**Park Rules and Regulations Committee**" that will be responsible for reviewing, negotiating and approving or rejecting any change, addition, deletion or modification proposed by the Park Owner to the Park Rules and Regulations.

c) **Review.** No Park Owner shall change, add to, delete or modify the Park Rules and Regulations affecting the residents of a Mobilehome Park unless and until any such change, addition, deletion or modification shall have first been submitted to, reviewed and approved by the Park Rules and Regulations Committee. **The term "Park Owner" shall not include any resident-owned mobilehome park.**

d) **Appeal.** In the event that a majority of the members of the "Park Rules and Regulations Committee" does not approve all or part of a proposed change, addition, deletion or modification of the Park Rules and Regulations, a Park Owner shall have the right to appeal by petition to all residents of the Mobilehome Park to seek such approval. Any rejection of a proposed change, addition, deletion or modification may be reversed by a petition bearing the signatures of a majority of the residents of the subject Mobilehome Park approving the proposed change, addition, deletion or modification.

e) **Initial Review.** An initial review of existing Park Rules and Regulations shall be performed jointly by the "Park Rules and Regulations Committee" and the Park Owner within 90 days of the effective date of this Ordinance. The purpose shall be to allow for reasonable review and modifications, as well as establish a baseline for all subsequent changes, additions, deletions or modifications to the said rules.

f) **Declaration.** The adoption and enforcement of this Mobilehome Park Rules and Regulations Protection Ordinance is a matter of local concern and is declared to be a municipal affair. **(Ord. No. 96-1007, 11-6-96)**

### **Supplement No. 3 - 1994 Code**

**16.08.010 - 16.08.010**

### **Chapter 16.08**

### **USE AND STORAGE OF TRAILERS**

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## Article I: General Provisions

**16.08.010 Trailer Coaches Regulated.** No person shall use, occupy or store any trailer coach in the city except as provided in this chapter; provided, however, that this chapter shall not apply to use, occupancy or storage of trailer coaches in any incidental camping area, mobile home park, recreational trailer park or camping area, temporary trailer park or travel trailer park

### 16.08.010 - 16.08.070

subject to Part 2.1 (commencing with Section 18200) of Division 8 of the Health and Safety Code (the Mobile Home Park Act) or in any labor camp subject to Chapter 4 (commencing with Section 2610), Part 9, Division 2 of the Labor Code or in any supervised public park, public campground or picnic ground owned, operated and maintained by the federal government, the State of California or any agency or political subdivision of the state.

**16.08.020 Trailer and Coach Defined.** The term "*trailer coach*" as used in this chapter shall mean any vehicle, with or without motive power, designed or used for human occupancy for residential, recreational, industrial, professional or commercial purposes and shall include camp car, mobile home, recreational vehicle and travel trailer as said terms are defined in Part 2.1 of Division 8 of the Health and Safety Code.

**16.08.030 Zoning Ordinance Prevails.** The provisions of this chapter shall not authorize the use, occupancy or storage of a trailer coach contrary to the provisions of Title 20 of this Code, the zoning ordinance.

**16.08.040 Nonconforming Trailer Coaches must Conform.** The use, occupancy or storage of a trailer coach which was lawful on the effective date of this chapter but which does not conform to the requirements thereof may be continued until, but not after January 1, 1971. Any change in the use, occupancy or storage of a trailer coach shall conform to all of the requirements of this chapter.

**16.08.050 Violation.** Any person using, occupying or storing a trailer coach contrary to the provisions of this chapter or contrary to the provisions of any permit issued pursuant to this chapter is guilty of a misdemeanor and shall be punishable in accordance with the provisions of section 1.12.010. Any trailer coach so used, occupied or stored is declared to be a public nuisance.

**16.08.060 Building Official to Enforce.** It shall be the duty of the Building Official to enforce the provisions of this chapter.

## Article II: Permitted Uses

### **16.08.070 Storage Allowed without Permit.**

- (a) Trailer coaches may be stored only as follows: (1) within an enclosed building
  - (2) On a lot or parcel of property on which there exists a lawfully established and maintained dwelling which is occupied by the owner of the stored trailer coach.
  - (3) On a lot or parcel on which there is conducted lawfully operated business for the sale, rental, storage or repair of trailer coaches and such storage is incidental to the operation of the business.
- (b) No stored trailer coach shall be used or occupied and all water, gas, electric and sewer lines shall be and remain disconnected from the trailer coach at all times it is stored except that a stored trailer coach may be connected to the foregoing utilities for a forty-eight hour period for the purpose of maintenance and repairs or for servicing prior to or upon the return from travel.

### 16.08.080 - 16.08.090

**16.08.080 Uses Allowed with Permit.** No person shall use or occupy a trailer coach in the city except when authorized by and in accordance with a valid unexpired trailer coach use permit issued by the Building Official pursuant to the provisions of this chapter; provided, however, that no trailer coach use permit shall be required for

the temporary use of a trailer coach while participating in a trailer roundup for which a permit has been issued by the Building Official pursuant to the provisions of this chapter.

### **Article III: Trailer Coach Use Permits**

**16.08.090 Uses and Period for which Permit may be Issued.** The Building Official may issue trailer coach permits authorizing the use or occupancy of trailer coaches for the purposes and periods of time hereafter specified.

(a) For temporary construction offices on or adjacent to the site on which a building or construction project is being diligently prosecuted. Such permit may be issued for a period not to exceed two (2) years and shall expire upon the expiration of the building permit for the building or construction project or such earlier date as may be specified in the permit.

(b) For a temporary real estate sales office on or adjacent to any subdivision within which ten (10) or more dwelling units are being constructed or have been constructed within the preceding one year. Such permit may be issued for a period not to exceed one year and shall expire six (6) months after completion or construction of the dwelling units in the subdivision or such earlier date as may be specified in the permit.

(c) For a temporary business office incidental to the operation of the business of storing, repairing or sale of trailers on a lot or parcel on which no building is located. Such permit may be issued for a period not to exceed one year and shall expire on the date specified in the permit.

(d) For a temporary business office incidental and located on a site on which a temporary carnival, circus, amusement center, Christmas tree sales or similar temporary or seasonal business is being lawfully conducted. Such permit may be issued for a period not to exceed three (3) months and shall expire at such time as the business for which it is issued terminates or at such earlier date as may be specified in the permit.

(e) For a temporary business office for a financial institution or public utility which is required, as a condition of a franchise granted by the United States, the state or a public agency, to maintain a place of business at a location at which no permanent structure suitable for the purpose is available. Such permit shall be issued for a period not to exceed two (2) years.

(f) For a temporary business office or sale facility on or adjacent to a site on which construction of a permanent business office or sales facility for the use of the permittee is being diligently prosecuted. Such permit may be issued for a period not to exceed two (2) years and shall expire upon completion of the construction of the permanent business office or sales facility or at such earlier date as may be specified in the permit.

(g) For a temporary dwelling for security personnel on or adjacent to any site on which construction of a major residential, commercial, industrial or public works project is being diligently prosecuted and for which such security personnel are employed. Such permit may be issued for a period not to exceed two (2) years and shall expire upon completion of the construction project or at such earlier date as may be specified in the permit.

### **16.08.090 - 16.08.110**

(h) For a temporary dwelling for security personnel on any site on which construction of a residential, commercial, industrial or public works project has been completed and for which such security personnel are employed pending construction of a permanent dwelling facilities for such security personnel. Such permit may be issued for a period not to exceed six (6) months and shall expire on the date specified in the permit.

(i) For a temporary dwelling for the permittee and his family on land owned by the permittee and on which the permittee is diligently prosecuting the construction of the first permanent dwelling. Such permit may be issued for a period not to exceed one year and shall expire upon completion of the construction of the dwelling or at such earlier date as may be specified in the permit.

(j) For a temporary dwelling to accommodate visiting relatives for a period not to exceed thirty (30) calendar days in any calendar year on land owned or leased by the host and on which there is located a permanent dwelling occupied by the host. Such permit may be issued for a period not to exceed thirty (30) days and shall expire on the date specified in the permit.

**16.08.100 Application for Permit or Extension of Permit.** Any person desiring a trailer coach use permit or extension of such permit shall file with the Building Official a written application on a form provided by the Building Official. The application shall be accompanied by such supplementary information as may be required by the health officer. At the time of filing such application, the applicant shall pay an application fee of ten dollars (\$10.00), which fee shall not be refundable.

**16.08.110 Mandatory Conditions.** Every trailer coach use permit shall be issued subject to the following conditions:

(a) That the trailer coach comply with the requirements of Section 18050 of the Health and Safety Code applicable to mobile homes.

(b) That no accessory building, structure or external appurtenance used or designed to be used incidental to the use or occupancy of the trailer coach shall be erected, constructed or maintained on the site on which the trailer coach is located; provided, however, that an awning which complies with the requirements of the regulations issued pursuant to Section 18053 of the Health and Safety Code may be attached to the trailer coach.

(c) That the trailer coach be connected to a sewage disposal system which complies with the requirements of the regulations issued pursuant to Section 18054 of the Health and Safety Code; provided, however, that if such a system is not available on the site, and sanitary facilities deemed adequate by the health officer are located within two hundred (200) feet of the location of the trailer coach and are available to the user or occupant of the trailer coach, the permit may be issued subject to the condition that the trailer coach may be used or occupied without being connected to a sewage disposal system so long as such facilities remain available to the user or occupant of the trailer coach.

(d) That the trailer coach shall not be permanently connected to any water, gas or electricity source or to any sewer system or sewage disposal facility, but may be temporarily connected to such utility source or sewage system or facility in a manner approved by the Building Official.

(e) That the trailer coach shall be placed and maintained only at such location on the lot or site as is designated on a plot plan which has been approved by the Building Official.

#### **16.08.110 - 16.08.160**

(f) That the trailer coach not be used in any manner which would violate state law, the San Marcos Municipal Code or Title 20 of this Code, the zoning ordinance.

**16.08.120 Discretionary Conditions.** The Building Official may, in his discretion, issue a permit subject to such additional conditions as he deems necessary to ensure that the use or occupancy of the trailer coach is restricted to that authorized by the permit and that such use and occupancy will conform to state law, the San Marcos Municipal Code and Title 20 of this Code, the zoning ordinance.

**16.08.130 Expiration of Permits: Extension.** A permit issued pursuant to this chapter shall expire on the date therein specified which date shall be fixed by the Building Official subject to the limitations specified above in this Article and in consideration of the intended use of the trailer coach.

Any trailer coach use permit issued by the Building Official pursuant to this chapter, except a permit for use as a dwelling to accommodate visiting relatives, may be extended by the Building Official for good cause for a period not to exceed six (6) months.

#### **Article IV: Revocation or Suspension**

**16.08.140 Grounds for Revocation or Suspension.** Failure of any permittee to comply with any conditions of his trailer coach permit shall constitute grounds for revocation of the permit pursuant to the procedural provisions of this chapter. Whenever grounds for revocation exist, the Building Official may revoke the permit or, at this discretion, may suspend the permit for a period of time which, in his opinion, is adequate to allow the permittee to make corrections necessary to comply with the conditions of the permit. If the permit is suspended and the permittee has not complied with all conditions of the permit by the end of the period of suspension the building officer may revoke the permit.

**16.08.150 Notice of Revocation or Suspension.** Whenever the Building Official determines that the conditions of a permit are being violated, he shall notify the permittee. Such notice may be served by mailing to the address given on the application for permit or by posting on the property on which the trailer coach is located. The notice shall be in writing and shall contain the following information:

(a) A statement of the condition which is being violated.

(b) A statement that the permit will be revoked or suspended, as the case may be, effective ten (10) days from the date of the notice.

(c) If the permit is to be suspended, a statement of the period of the suspension.

(d) A statement that the permittee may, within ten (10) days of the date of the notice, request a hearing before the Building Official on the question of whether or not the conditions of the permit have been violated.

**16.08.160 Hearing before Building Official.** If the permittee requests a hearing, the Building Official shall fix a time and place for a hearing and notify the permittee. If such a request is made, the Building Official shall take no further action prior to the hearing to suspend or revoke the permit. At the time and place of the hearing, the permittee may appear and be heard on the question of whether the conditions of the permit were violated.

#### **16.08.170 - 16.08.220**

**16.08.170 Order of Revocation or Suspension.** If no request for a hearing is received, the Building Official may revoke or suspend the permit on the date of revocation or suspension specified in the notice of revocation or suspension. If a hearing is requested and, at the conclusion of the hearing the Building Official determines that grounds for revocation or suspension exist, he may revoke or suspend the permit forthwith. In either case, an order of revocation or suspension shall be mailed to the permittee at the address shown on the application for the permit or posted on the property on which the trailer coach is located.

#### **Article V: Trailer Roundups**

**16.08.180 Trailer Roundup Defined.** The term "*trailer roundup*" as used in this chapter shall mean the temporary assemblage of two (2) or more trailer coaches which is organized, sponsored or sanctioned by a club, group or association, one of the purposes of which is the promotion of such affairs.

**16.08.190 Trailer Roundups Regulated.** No person shall promote, establish, operate, or knowingly participate in any trailer roundup which is not in compliance with the requirements of this chapter.

**16.08.200 Trailer Roundups for which Permits may be Issued.** The Building Official may issue a permit for the operation of a trailer roundup for a period not to exceed ten (10) days. No such permit shall be issued unless the building officer determines that:

(a) An application for the permit has been submitted by a club, group or association organized for the purpose of promoting trailer roundups.

(b) The owner or lessee of the property on which the trailer roundup is to be held has consented to the submission of the application for permit.

(c) The applicant has shown that the trailer roundup will be so operated that it will not adversely affect the health or safety of participants or the public and will not interfere with the enjoyment of neighboring properties by the occupants thereof.

(d) The trailer roundup will not violate any provision of Title 20 of this Code, the zoning ordinance.

**16.08.210 Application and Fee.** Any club, group or organization desiring a trailer roundup permit shall file with the Building Official a written application on a form provided by the Building Official. The application shall be accompanied by such supplementary information as may be required by the Building Official. At the time of filing such application, the applicant shall pay an application fee of twenty-five dollars (\$25.00), which fee shall not be refundable.

**16.08.220 Mandatory Conditions.** Every trailer roundup permit shall be issued subject to the following conditions:

(a) That no accessory building, structure or external appurtenance used or designed to be used incidental to the use or occupancy of a trailer coach shall be erected, constructed or maintained on the site on which any trailer coach is located; provided, however, that an awning which complies with the requirements of the regulations issued pursuant to Section 18053 of the Health and Safety Code may be attached to a trailer coach.

#### **16.08.220 - 16.08.240**

(b) That every trailer coach participating in the roundup be connected to a sewage disposal system which complies with the requirements of the regulations issued pursuant to Section 18054 of the Health and Safety Code; provided, however, that if such a system is not available on the site, and sanitary facilities deemed adequate by the health

officer are located within two hundred (200) feet of the location of every trailer coach participating in the roundup and are available to the user or occupant of each such trailer coach, the permit may be issued subject to the condition that each trailer coach participating in the roundup must be used or occupied without being connected to a sewage disposal system.

(c) That no trailer coach participating in the roundup shall be permanently connected to any water, gas or electricity source or to any sewer system or sewage disposal facility, but may be temporarily connected to such utility source or sewage system or facility in a manner approved by the Building Official.

(d) That each trailer coach participating in the roundup shall be placed and maintained only at such location on the lot or site as is designated on a plot plan which has been approved by the Building Official.

(e) That the trailer roundup not be conducted in any manner which would violate state law, the San Marcos Municipal Code or Title 20 of this Code, the zoning ordinance.

**16.08.230 Discretionary Conditions.** The Building Official may, in his discretion, issue a permit subject to such additional conditions as he deems necessary to ensure that the trailer roundup will not constitute a public or private nuisance and will conform to state law, the San Marcos City Code and Title 19 of this Code, the zoning ordinance.

**16.08.240 Revocation.** The Building Official may revoke any trailer roundup permit for failure of the permittee to comply with any condition of the permit. Such revocation shall become effective when notice of the revocation is served upon the permittee or posted at the place where the trailer roundup is to be or is being held.

## **16.12.010 - 16.12.030**

### **Chapter 16.12**

#### **MOBILE HOME PARK CONVERSIONS**

##### **Sections:**

<b>16.12.010</b>	<b>Scope of Chapter</b>
<b>16.12.020</b>	<b>Intent of Chapter</b>
<b>16.12.030</b>	<b>Requirements</b>
<b>16.12.040</b>	<b>Procedures for Review</b>
<b>16.12.050</b>	<b>Factors for Consideration</b>
<b>16.12.060</b>	<b>Conditions</b>

**16.12.010 Scope of Article.** Unrestricted conversion of mobile home parks to other uses diminishes the mobile home stock and space availability. The protection of tenants and potential purchasers of mobile homes warrants the implementation of certain regulatory safeguards. The city recognizes the need to insure that the private sector exercises its responsibilities to provide varied housing choices and opportunities and that city participation in this responsibility is necessary.

**16.12.020 Intent of Article.** The intent of this chapter is to insure that mobile home park opportunities are available to residents of San Marcos, and to insure that mobile home park conversions provide for the health, safety and general welfare of the community.

##### **16.12.030 Requirements.**

(a) Use of a property as mobile home park shall not be terminated for the purpose of conversion to another land use until application for mobile home park conversion has been made to the Planning Department and approval by the Planning Commission or City Council, or appeal, has been received.

(b) No building permit shall be issued on property occupied by a mobile home park at the effective date of this chapter [July 12, 1979] or hereinafter for uses other than those associated with the mobile home park use and allowed under the special use permit, until approval under section 16.12.030 (a) has been received.

(c) Applications for mobile home park conversion shall be made to the Planning Department and in addition to the complete application, along with a \$300.00 filing fee, the following information is required:

- (1) Plans indicating what use the conversion is intended to be.
- (2) Time table for conversion of the park.
- (3) If proposed conversion is to a use not consistent with the underlying zone, the applicant shall file concurrently, a specific plan zone reclassification.

(4) Total spaces within the park, number of spaces occupied, length of time each space has been occupied by present tenant, monthly rate currently charged.

(5) Environmental assessment form.

#### **16.12.040 - 16.12.060**

##### **16.12.040 Procedures for Review.**

(a) Within ninety (90) days following the submittal of an application, the matter shall be set for public hearing before the Planning Commission.

(b) The Planning Commission within thirty (30) days after the close of the public hearing shall render a decision on whether or not the conversion shall be approved based upon the factors for consideration set forth in section 16.12.050.

(c) The decision of the Planning Commission may be appealed to the City Council by the filing of a letter requesting appeal of the Planning Commission decision within eleven (11) days after the decision of the Planning Commission has been filed in the office of the Planning Commission. Such an appeal shall be in writing and shall specify where there was error in the decision of the Planning Commission with regard to the required findings.

(d) Within sixty (60) days following the filing of said appeal, the City Council shall hold a public hearing on the matter and within thirty (30) days following the close of that hearing, the City Council shall render a decision on the conversion. The City Council shall not grant a conversion denied by the Planning Commission, except upon order of the city council passed by not less than a four-fifths (4/5) vote of all members thereof.

**16.12.050 Factors for Consideration.** In reviewing a request for a mobile home park conversion, the planning commission and City Council shall, at a minimum, take the following factors into consideration when rendering a decision:

(a) There exists sufficient mobile home space availability within the north county branch of the Superior Court geographic area to accommodate the displaced mobile homes.

(b) The conversion will not result in the displacement of low-income individuals or households who cannot afford rents charged in other parks.

(c) That the age, type and style of mobile home within the park proposed for conversion would be accepted into other parks within the geographic area.

(d) If the conversion is to another residential use, the mobile home park residents have first opportunity to occupy these units and the construction schedule will not result in long-term displacement.

(e) The proposed conversion is consistent with the San Marcos General Plan.

(f) The proposed conversion is pursuant to the public health, safety and welfare.

(g) The conversion will not result in a shortage of housing opportunities and choices within the City of San Marcos.

**16.12.060 Conditions.** In the approval of a mobile home park conversion, the city may attach conditions deemed reasonable in order to mitigate the impacts associated with the conversion. Such conditions shall not be limited to, but may include the following:

(a) Partial payment for relocation of mobile homes to another park.

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(b) If the land occupied by the park is to be sold, the tenants be given the first right of refusal accepting the offer of the seller for the purchase of the park and all the improvements.

(c) The tenants be given the option of a long-term lease of the land and purchase of the improvements.

(d) The city may attach an effective date upon their approval of the conversion. Said date will provide sufficient time for the relocation of the mobile homes to their parks. Said time limit shall, at a minimum, be one year.

(e) If the mobile homes cannot be relocated to parks in the area, the applicant may be required to purchase said mobile homes at fair market value, determined by an independent appraiser with mobile home expertise.

## 16.16.010 - 16.16.020

### CHAPTER 16.16

#### MOBILE HOME RENT REVIEW COMMISSION

##### SECTIONS:

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16.16.090	Adjustments to Fees and Charges
16.16.100	Repeal and Amendment
16.16.110	Required Notices
16.16.120	Discrimination Prohibited

**16.16.010 Findings.** Since the mid 1970's there has existed within the City of San Marcos and surrounding communities, a shortage of rental space for the location of mobilehomes. Due to the continuing shortage of available mobilehome rental spaces, there continues to be very low vacancy rates within mobilehome parks creating an inequitable market situation between mobilehome park owners and the tenants thereof. Prior to the enactment of regulations controlling space rent increase, space rents had been rising for several years and were being increased in amounts and at frequencies that caused serious concern, anguish, and stress among a substantial number of San Marcos residents living in mobilehome parks.

Finding alternative rental sites for the relocation of mobilehomes have been and continue to be difficult due to the shortage of vacant rental spaces, the restrictions on the age, size, or style of mobilehomes permitted in many mobilehome parks, and the requirements relating to the installation of mobilehomes, including permits, landscaping and site preparation. Additionally, the cost for moving a mobilehome is substantial and the risk of damage in moving is significant. The result of these conditions has been and continues to be the creation of the great imbalance in the bargaining position of the mobilehome park owners and mobilehome owners in favor of the mobilehome park owners pertaining to the establishment of space rents.

This Council finds and declares it necessary to facilitate and encourage fair bargaining between mobilehome owners and mobilehome park owners in order to achieve mutually satisfactory agreements regarding space rental rates in mobilehome parks. Absent such agreements, this Council further finds and declares it necessary to protect the mobilehome owner and resident from unreasonable space rental increases while at the same time recognizing the need of mobilehome park owners to receive a just and reasonable return on their investments.

##### **16.16.020 Definitions.**

(a) ***Space Rent:*** The consideration, including any bonus, benefits or gratuity demanded or received in connection with the use and occupancy of a mobile home space in a

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mobile home park, or for the transfer of a lease for park space, services and amenities, subletting and security deposits, but exclusive of any amounts paid for the use of the mobile home dwelling unit.

(b) ***Mobile Home Park Owner or Owner:*** The owner, lessor, operator or manager of a mobile home park within the purview of this chapter.

(c) ***Mobile Home Tenant or Tenant:*** Any person entitled to occupy a mobile home dwelling unit pursuant to ownership thereof or a rental or lease arrangement with the owner thereof. "***Tenant***" shall represent one mobile home park space without regard to the number of residents residing within the coach.

**16.16.030 Applicability.**

- (a) This Chapter shall apply to mobilehome parks containing 10 or more spaces.
- (b) Pursuant to California Civil Code Section 798.17, the provisions of this Chapter regulating the amount of rent which a mobilehome park owner may charge for a mobilehome space shall not apply to any tenancy created by a rental agreement which is in excess of 12 months in duration, provided that the rental agreement meets the criteria of Subsection (b) of Section 798.17. A rental agreement of more than 12 months in duration which meets the criteria of Section 798.17(b) is referred to herein as a "qualifying rental agreement." This exemption shall apply only during the term of the qualifying rental agreement or one or more uninterrupted, continuous extension of the agreement. If a rental agreement expires or is terminated, and no new qualifying rental agreement is entered into, then the last rent charged under the provisions of the previous rental agreement shall be the rent charged for the space; for the purpose of this provisions by the assumption of an existing qualifying rental agreement, a purchaser of a mobilehome shall be deemed to have entered into a qualifying rental agreement. If a space becomes subject to this Chapter by reason of the expiration or termination of a rental agreement, the rent may be adjusted only in accordance with the provisions of this Chapter and only at the time that the non-exempt spaces are adjusted for the park as authorized under the provisions of Section 16.16.080. If a notice of rent increase is given for a space which is exempt by the operation of this Section, but the rent increase will take effect after the expiration of the rental agreement, the tenant shall not be disqualified from executing a petition, unless a new qualifying rental agreement or an extension of the previous qualifying rental agreement is entered into by the tenant. **(Ord. No. 89-812, 3-14-89)**

**16.16.040 Commission Established; Compensation of Members.**

- (a) There is hereby created within the City of San Marcos a Mobile Home Rent Review Commission, consisting of the City Council.
- (b) The compensation of the members of said Mobile Home Rent Review Commission shall be as established from time to time by Resolution of the City Council. Any City department heads required to attend said meeting shall be compensated at their regular hourly rate and any other City staff members required to attend said meeting shall be compensated by overtime pay, or compensatory time off in accordance with City personnel rules and regulations. **(Ord. No. 99-1078, 1/11/2000)**

**Supplement No. 5 – 1994 Code**

**16.16.050 - 16.16.055**

**16.16.050 Powers of the Commission.**

Within the limitations provided by law, the Commission shall have the following powers:

- (a) To meet as requested by the majority of the City Council of the City of San Marcos or upon the filing of a petition for a review of mobile home park rent increases. All meetings shall be conducted at City Hall. The City Clerk or City Clerk's designate shall act as secretary to the Commission and receive compensation as determined by the City Manager.
- (b) To receive, investigate, hold hearings on and pass upon the petitions of the mobile home tenants as set forth in this chapter.
- (c) To make or conduct such independent hearings or investigations as may be appropriate to obtain such information as is necessary to carry out their duties.
- (d) Upon completion of their hearings and investigations to either approve the existing or proposed rental change, or to adjust the maximum rental rate downward.
- (e) To adopt, promulgate, amend and rescind administrative rules to effectuate the purposes and policies of this chapter.
- (f) To maintain and keep at City Hall, rent review hearing files and dockets listing the time date and place of hearings, the parties involved, the addresses involved and the final disposition of the hearing.

(g) To issue subpoenas to compel attendance at hearings conducted pursuant to this Chapter. A subpoena issued by the Commission shall be issued in the same manner as provided by State law for the issuance of subpoenas by the City Council, and shall have the same force and effect as a subpoena issued by the City Council to attend hearings which the City Council is authorized by law to conduct. **(Ord. No. 89-812, 3-14-89)**

(h) To establish rules for the production of evidence, including but not limited to, rules requiring certification of evidence relating to costs, expenses and other economic aspects of park operation or maintenance, or rent by a qualified accountant. **(Ord. No. 89-812, 3-14-89)**

#### **16.16.055 Notice of Rent Increase.**

(a) A mobilehome park owner shall give written notice to the City of a proposed rent increase. The notice shall be given at the same time that the notice of rent increase is given to the tenants. The notice shall be filed with the City Clerk and shall contain the following information: the amount of the current space rents and the amount of separately billed fees or charges, if any; the amount of the proposed increase; the spaces to which the increase applies and the names of the tenants of those spaces; and the date of the last rent increase for the park.

(b) A mobilehome park owner shall provide written notice and verification of the space(s) subject to the space rent increase as set forth in Subsection (a). A hearing to review the space rent increase will not be scheduled until said written notice and verification is received by the City Clerk. **(Ord. No. 96-994, 6/11/96)**

#### **Supplement No. 2 - 1994 Code**

#### **16.16.060 - 16.16.060**

#### **16.16.060 Initiation of Proceedings.**

(a) Filing of petition. Tenants of a mobilehome park may initiate Commission review of a proposed space rent increase by filing with the City Clerk a written petition which complies with the requirements set forth in this subsection. The petition shall:

(1) Be in substantially such form and contain such information as may be required by the Commission.

(2) Contain an attestation of the circulator or circulators of the petition signed under penalty of perjury that the individuals signing the petition were known by the circulator to be tenants of the mobilehome park and that the individuals signed the petition in the presence of the circulator.

(3) Be signed by at least one (1) tenant from each of more than fifty percent (50%) of the mobilehome spaces within the park which would be subject to the space rent increase specified in the notice. Mobilehome spaces, the space rent of which is exempted from the provisions of this Article pursuant to Section 16.16.030(b) shall not be included in the determination of those mobilehome spaces which are subject to the space rent increases nor may tenants thereof sign a petition hereunder.

(4) Be received by the City Clerk during normal business hours no later than thirty (30) days following the receipt by the tenants of the notice of the proposed space rent increase, or within thirty (30) days following the date upon which the mobilehome park becomes subject to the jurisdiction of the City. Normal working hours shall be from 8:00 a.m. until 5:00 p.m., Monday through Friday, except holidays recognized by the City. If the last day for receipt of a petition falls on a Saturday, Sunday, or holiday recognized by the City, the petition may be received during normal business hours on the next succeeding business day.

(b) Initial Review of Petition by City Clerk. Upon receipt of a petition submitted pursuant to subsection (a), the City Clerk shall:

(1) Review the petition to determine whether or not the petition complies with the requirements of subsection (a) (1), (2) and (4).

(2) Reject the petition if it fails to comply with subsections (a) (1), (2) or (4) and, within five (5) business days of receipt of the petition, mail a written notice to the individual submitting the petition of the rejection thereof and the reasons for such rejection.

(3) Accept the petition for filing if the petition complies with subsections (a) (1), (2) and (4) and, within five (5) business days of receipt of the petition, mail a written notice to the park owner informing the owner that:

- a) the City Clerk has received a petition;
- pursuant b) The proposed space rent increased is stayed to this Chapter;

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**16.16.060 - 16.16.070**

(c) Determination of Adequacy of Petition. Within ten (10) business days of receipt of a petition and park owner's written notice of proposed rent increase, the City Clerk shall:

- (1) Determine if the required number of tenants have signed the petition as specified in subsection (a) hereinabove.
- (2) If the required number of tenants have signed the petition, forward the petition to the Commission for the purpose of setting a public hearing pursuant to Sec. 16.16.070.
- (3) If the required number of tenants have not signed the petition, reject the petition and mail a written notice to the individual submitting the petition and the park owner informing them that the petition has been rejected and the reason for the rejection, and that the stay of the space rent increase has been terminated.

**(Ord. No. 96-994, 6/11/96)**

(d) Stay of Space Rent Increase. Unless the City Clerk rejects a petition pursuant to subsection (b) (2), the filing of a petition pursuant to subsection (a) shall automatically stay the space rent increase subject to the petition until the earlier of the following events:

- (1) The City Clerk rejects the petition pursuant to subsection (c) (3); or
- (2) The Commission makes a final decision regarding the space rent increase pursuant to Sec. 16.16.070.

(e) Removal of Names from Petition. Once a petition has been filed with the City Clerk pursuant to subsection (a), the names of tenants signing the petition may not be withdrawn from the petition.

**16.16.070 Commission Review.**

(a) Upon receipt from the City Clerk of the petition, the Commission shall schedule a hearing thereon to be conducted no earlier than forty (40) days and no later than sixty (60) days from the date of the Commission's receipt of the petition at a place and time to be set by the Commission. The purpose of the hearing shall be to determine whether or not the rental increase is reasonable. Such a public hearing may be continued from time to time if stipulated to by both parties or at the Commissioner's discretion. If a continuance is ordered at the discretion of the Commission and the mobilehome park owner has objected to such continuance, any increase in space rent granted by the Commission shall be applied retroactive to the proposed effective date of the mobilehome park owner's originally proposed space rent increase as set forth in the mobilehome park owner's notice thereof. The date of receipt of the petition by the Commission shall be the date of the regular City Council meeting at which the petition is presented to the Commission by the City Clerk for the purpose of scheduling the hearing on the petition. **(Ord. No. 96-994, 6/11/96)**

(b) All rent review hearings shall be open to the public. All parties to a hearing may have assistance of any attorney or such other person as may be designated by said parties in presenting evidence or in setting forth by argument their position.

(c) In the event that either the petitioner or the respondent should fail to appear at the hearing at the specified time and place, the Commission may hear and review such evidence as may be presented and make such decisions just as if both parties had been present.

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**16.16.070 - 16.16.070**

(d) The Commission shall render its final decision by resolution thereof not later than the date of the next regularly scheduled City Council meeting occurring at least seven (7) days from and after the date of the close of the Commission's hearing pertaining to the petition. No space rent increase being reviewed by the Commission shall be

imposed until the Commission has rendered its final decision. The parties to the hearing shall be sent a copy of the Commissioner's Resolution containing the Commission's decision which shall include the Commission's findings upon which its decision is based.

to:

(e) Pursuant to the findings, the Commission shall require the mobilehome park owner

(1) Continue the rental charges as they existed under the former lease or rental arrangement, or,

(2) Increase the rental to a rate set by the Commission, or,

(3) Allow the rate requested by the park owner to stand.

(f) Any rental or service charge increases which have been collected by a mobilehome park owner pursuant to an increase which is the subject of a petition of hearing and which is later determined by the Commission to have been excessive, shall be either returned to the tenants or credited to future rental charges.

(g) The mobilehome park owner shall bear the burden of proving by a preponderance of the evidence that a proposed space rent increase is reasonable and is necessary to enable the mobilehome park owner to receive a just and reasonable return on his investment. In evaluating a proposed space rent increase the Commission shall consider the following non-exclusive factors in addition to such other factors as the Commission deems relevant:

1) Changes in the mobilehome park owner's gross income from the operation of the mobilehome park;

2) Changes in the reasonable operating expenses relating to the operation of the mobilehome park;

3) Whether the proposed rent increase will result in an increase in net income to the park owner from the operation of the park;

4) Changes in the Consumer Price Index for the time period from the last rent increase;

5) Changes in the services, amenities, maintenance and condition of the mobilehome park and the extent to which the rent increase is necessary to provide the services or amenities or to insure maintenance and good operating condition of the park;

6) The extent to which the rent increase is necessary to pay for capital improvements and the amount of money allocated by the owner to a capital improvement or maintenance fund, along with the park owner's budget for maintenance, care and capital improvements for the park; and

#### **16.16.070 - 16.16.085**

7) The extent to which the landlord receives net income from fees or charges for utilities, or incidental fees or charges for services billed separately from rent. **(Ord. No. 89-812, 3-14-89)**

(h) A mobilehome park owner has a duty to comply with the terms and conditions of any conditional use permit, special use permit, or other land use approval, or zoning or building ordinance, relating to the amenities, facilities, maintenance, improvements or services to be provided within the mobilehome park by the mobilehome park owner. If the Commission finds that a mobilehome park owner fails to provide or reduces the level of the amenities, facilities, maintenance, improvements or services, as established by any conditional use permit, special use permit or other land use approval or zoning or building ordinance, or if the owner fails to comply with the duties established by Section 798.87 of the California Civil Code, then the Commission may deny a proposed rent increase, decrease the rent, or conditionally approve the rent increase upon such terms and conditions as the Commission deems reasonably necessary to insure compliance with the mobilehome park owner's duties and obligations. **(Ord. No. 89-812, 3-14-89)**

#### **16.16.080 Annual Adjustment.**

(a) Except for rental adjustments exempt from this Chapter by operation of Section 16.16.030(b), all space rents in a park shall be adjusted at the same time. A mobilehome park owner shall not increase or adjust space rents more than one time in any twelve consecutive month period.

(b) A mobilehome park owner may give notice of a proposed space rent increase or adjustment during the twelve consecutive month period from the last rent increase or adjustment and the Commission may review the proposed

rent increase or adjustment provided that the increase or adjustment shall not become effective during the twelve month period.

(c) A rent increase or adjustment shall include establishing a separate charge or fee for utilities or, a service charge or fee, for services actually rendered, unless the utility or service is an additional utility or service not previously provided, or unless there is a corresponding reduction of the space rent equal to the amount of the fee or charge. A space rent increase or adjustment shall also include the termination of an amenity, utility or service previously rendered.

(d) Subsection (a) of this Section shall not apply to adjustments made pursuant to Section 16.16.090(a).

(e) The amendments to this Section made by Ordinance No. 89-812 are for the purposes of clarification and are declarative of existing law. **(Ord. No. 89-812, 3-14-89)**

**16.16.085 Exceptions to Annual Adjustment Restriction.** The provision of Section 16.16.080 prohibiting rent increases or adjustments more than one time in any twelve consecutive month period shall not be construed to prohibit either of the following:

a) A one time rental adjustment of all spaces within a mobilehome park in order to establish an annual rental adjustment date. In establishing an initial annual adjustment date for a mobilehome park, the mobilehome park owner shall confer with the City Clerk in order to distribute the annual adjustment dates for the various parks within the City periodically

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throughout the year. This subparagraph shall apply only to mobilehome parks which on the effective date of this Ordinance have had a practice of adjusting space rents within the park at various times during a year. **(Ord. No. 89-817, 5-9-89)**

b) Adjustment to rents which become subject to the provisions of this Chapter by expiration of a rental agreement which operated to exempt the tenancy from the provisions of this Chapter, provided that the adjustment is made at the same time as the adjustment for all the rents within the park subject to this Chapter and further provided that such increase shall be subject to the provisions of Section 16.16.030. **(Ord. No. 89-817, 5-9-89)**

**16.16.090 Adjustments to Fees and Charges.**

(a) Subject to the notice provisions of State law and this Chapter, a mobilehome park owner may, at any time, increase space rent in order to adjust for increases in utility costs or for increases in, or establishment of, governmental special assessments or special taxes levied on the mobilehome park. Subject to the notice provisions of State law and this Chapter, a mobilehome park owner may, at any time, increase charges or fees for utility services where the cost of providing the utility is billed separately and not included in the space rent. The utility costs eligible for an increase pursuant to this Subsection are gas, electricity, water, trash pick-up, sewer and cable television.

(b) If a mobilehome park owner has established separate incidental reasonable charges for services actually rendered, the increases to such incidental fees or charges shall be subject to the provisions of this Chapter relating to increases in space rent; provided, however, that when a new service and corresponding incidental fee or charge are established, the fee or charge may be established at any time notwithstanding the provisions of Section 16.16.080 of this Chapter. Any increases to the service fee or charge shall be made at the same time as an increase or adjustment to space rent. It is the intent of this Section that both space rent and other fees and charges, which may lawfully be imposed on the tenants by the mobilehome park owner, shall be adjusted at the same time.

(c) An adjustment to decrease the amount of rent, or of any fee or charge may be made at any time, provided, however, that any later increase from the decreased level shall be subject to this Chapter.

(d) If a flat utility rate is charged from each mobilehome serviced by the utility, and the utility rate for each mobilehome is increased by the utility provider, the space rent for each mobilehome may be adjusted by an amount equal to the increase in the utility rate per mobilehome. If the utility rate is dependent upon the level of use, as in the case of gas or electricity, the mobilehome park owner may adjust the space rent by an amount reasonably necessary to account for the projected increase in the cost of the utility service. The maximum monthly increase in rent or in separate utility charges or fees for any mobilehome may not exceed an amount determined by dividing the projected monthly increase in utility costs for the entire mobilehome park by the total number of mobilehome spaces within the entire park.

(e) The mobilehome park owner may adjust the space rent to account for increases in, or establishment of, a governmental special assessment or special tax on the mobilehome park by an amount reasonably necessary to cover the actual cost to the mobilehome park owner of the assessment or special tax. The maximum space rent increase for any mobilehome shall not exceed the amount determined by dividing the increase in assessment or tax for the entire park by the total number of mobilehome spaces in the park.

#### **16.16.090 - 16.16.110**

(f) Within thirty days after receipt of a notice of a proposed space rent increase or increase in a separate fee or charge, which has been processed pursuant to the provisions of Subsection (a) of this Section, the tenants may file a petition requesting the Commission review the proposed increase in the same manner as provided for in this Chapter and the regulations of the Commission. The mobilehome park owner shall bear the burden of proving that the proposed increase in space rent or the increase or establishment of a fee or charge complies with the provisions of this Section. **(Ord. No. 89-812, 3-14-89)**

#### **16.16.100 Repeal and Amendment.**

a) The provisions of this Chapter shall not be repealed except by a majority vote of the qualified electors of the City voting at an election for such purposes.

b) Notwithstanding Subsection a) of this Section, the City Council may amend the provisions of this Chapter after conducting a public hearing, notice of which shall be given 20 days before the hearing by both of the following methods:

1) First class mail to mobilehome park residents and mobilehome park owners;

2) Publication once in a newspaper of general circulation in the City  
**(Ord. No. 90-865, Approved by vote of the People on 11-8-88)**

**16.16.110 Required Notices.** In addition to the notice required by State law, the mobilehome park owner shall provide the following notices to the persons and in the manner specified in this Section.

(a) A statement of actual cost to the mobilehome park owner of utilities and of services actually provided to the tenants shall be posted in a conspicuous place in an area of the mobilehome park accessible to all tenants.

(b) A notice which conforms to the following language and printed in bold letters of the same type size as the largest type size used in the rental agreement shall be presented to the tenant or prospective tenant at the time of presentation of a rental agreement creating a tenancy with a term greater than twelve months:

#### **"IMPORTANT NOTICE TO HOMEOWNER REGARDING THE PROPOSED RENTAL AGREEMENT FOR MOBILEHOME PARK.**

**PLEASE TAKE NOTICE THAT THIS RENTAL AGREEMENT CREATES A TENANCY WITH A TERM IN EXCESS OF TWELVE MONTHS. BY SIGNING THIS RENTAL AGREEMENT, YOU ARE EXEMPTING THIS MOBILEHOME SPACE FROM THE PROVISIONS OF THE CITY OF SAN MARCOS MOBILE- HOME RENT REVIEW LAW FOR THE TERM OF THIS RENTAL AGREEMENT. THE CITY OF SAN MARCOS MOBILEHOME RENT REVIEW LAW AND THE STATE MOBILEHOME RESIDENCY LAW (CALIFORNIA CIVIL CODE SEC. 798 et seq.) GIVE YOU CERTAIN RIGHTS. BEFORE SIGNING THIS RENTAL AGREEMENT YOU MAY CHOOSE TO SEE A LAWYER. UNDER THE PROVISIONS OF STATE LAW, YOU HAVE A RIGHT TO BE OFFERED A RENTAL AGREEMENT FOR (1) A TERM OF TWELVE MONTHS, OR (2) A**

#### **16.16.110 - 16.16.120**

**LESSER PERIOD AS YOU MAY REQUEST, OR (3) A LONGER PERIOD AS YOU AND THE MOBILEHOME PARK MANAGEMENT MAY AGREE. YOU HAVE A RIGHT TO REVIEW THIS AGREEMENT FOR 30 DAYS BEFORE ACCEPTING OR REJECTING IT. IF YOU SIGN THE AGREEMENT YOU MAY CANCEL THE AGREEMENT BY NOTIFYING THE PARK MANAGEMENT IN WRITING OF THE CANCELLATION WITHIN 72 HOURS OF YOUR EXECUTION OF THE AGREEMENT. IT IS UNLAWFUL FOR A MOBILEHOME PARK OWNER OR ANY AGENT OR REPRESENTATIVE OF THE OWNER TO DISCRIMINATE AGAINST YOU BECAUSE OF THE EXERCISE OF ANY RIGHTS YOU MAY HAVE UNDER THE CITY OF SAN MARCOS MOBILEHOME RENT REVIEW LAW, OR BECAUSE OF YOUR CHOICE TO ENTER INTO A RENTAL AGREEMENT WHICH IS SUBJECT TO THE PROVISIONS OF THAT LAW."**

The notice shall contain a place for the tenant to acknowledge receipt of the notice and shall also contain an acknowledgement signed by park management that the notice has been given to the tenant according to this Section. A copy of the notice executed by park management shall be provided to the tenant. **(Ord. No. 89-812, 3-14-89)**

**16.16.120 Discrimination Prohibited.** It is unlawful for a mobilehome park owner, or any agent or representative of the owner, to discriminate against any tenant because of the tenant's exercise of any rights under this Chapter. It is also unlawful for any mobilehome park owner, or any agent or representative of the owner, to discriminate against any purchaser or prospective purchaser of a mobilehome because of the purchaser's or prospective purchaser's choice to enter into a rental agreement subject to the provisions of this Chapter. **(Ord. No. 89-812, 3-14-89)**

## **16.20.010 - 16.20.020**

### **Chapter 16.20**

#### **Sale of Mobilehome Parks**

##### **Sections:**

- 16.20.010**    **Definitions**
- 16.20.020**    **Mobilehome Park Owner Duty of Notification**
- 16.20.030**    **Mobilehome Owners Right to Purchase**
- 16.20.040**    **Exemption**
- 16.20.050**    **Mobilehome Park Owner Affidavit of Compliance**

**16.20.010 Definitions.** Unless the context otherwise requires, the terms defined in this Section shall for all purposes pertaining to this Chapter 16.20, have the meanings defined herein:

- (a)            **"Mobilehome"** shall mean a structure designed for human habitation and being moved on a street or highway under permit pursuant to Section 35790 of the Vehicle Code of the State of California.
- (b)            **"Mobilehome owner" or "homeowner"** shall mean a person who has a tenancy in a mobilehome park under a rental agreement.
- (c)            **"Mobilehome park" or "park"** is an area of land where nine (9) or more mobilehome sites are rented, or held out for rent, to accommodate mobilehomes used for human habitation.
- (d)            **"Mobilehome park owner"** means the owner of a mobilehome park or an agent or representative authorized to act on his behalf in connection with matters relating to a tenancy in the park.
- (e)            **"Rental agreement"** is any agreement, either oral or in writing, between the mobilehome park owner and the mobilehome owner establishing the terms and conditions of the mobilehome owner's tenancy.
- (f)            **"Tenancy"** is the right of a mobilehome owner to the use of a site within a mobilehome park on which to locate, maintain and occupy a mobilehome, site improvements, and accessory structure for human habitation, including the use of the services and facilities of the park.
- (g)            **"Notify"** means the placing of a notice in the United States mail addressed to the mobilehome owners at the mobilehome owners' address within the park or as otherwise known to the park owner. Each such notice shall be deemed to be given upon the deposit of the notice in the United States mail.
- (h)            **"Offer"** means any solicitation by the mobilehome park owner to the general public.

#### **16.20.020 Mobilehome Park Owner Duty of Notification.**

- (a)    If a mobilehome park owner offers a mobilehome park for sale, he shall notify the mobilehome owners of his offer, stating the price and terms and conditions within five (5) days of the offering.

## **16.20.020 - 16.20.040**

- (b)    If the mobilehome park owner thereafter elects to offer the park at a price lower than the price specified in his notice to the mobilehome owners and/or under different terms and conditions than those specified in such notice, the mobilehome park owner shall notify the mobilehome owners within five (5) days of said changed price or terms and conditions.
- (c)    If a mobilehome park owner receives a bona fide offer without the solicitation thereof to purchase the park that he intends to consider or make a counter offer to, the mobilehome park owner shall offer to sell the park upon the same price and terms and conditions

to the mobilehome owners.

**16.20.030 Mobilehome Owners Right to Purchase.**

(a) The mobilehome owners shall have the right to purchase the park, provided the mobilehome owners meet the price and terms and conditions of the mobilehome park owner, by executing a contract with the mobilehome park owner within forty-five (45) days, unless agreed to otherwise, from the date of mailing of the notice of the offer. If a contract between the mobilehome park owner and the mobilehome owners is not executed within such forty-five (45) day period, then, unless the mobilehome park owner thereafter elects to submit a counter offer to the noticed offer, at a price lower than the price specified in notice to the mobilehome owners, he has no further obligations under this subsection, and his only obligation shall be as set forth in subsection (b).

(b) If the mobilehome park owner thereafter elects to consider an offer or make a counter offer at a lower price and/or under different terms and conditions than the price or terms and conditions as specified in his notice to the mobilehome owner, the mobilehome owners will have an additional fifteen (15) days to meet the price and terms and conditions of the mobilehome park owner by executing a contract.

**16.20.040 Exemption.** This Article does not apply to:

(a) Any sale or transfer to a person who would be included within a table of descendant and distribution if the mobilehome park owner were to die interstate.

(b) Any transfer by gift, device or operation of law.

(c) Any transfer by corporation to an affiliate. As used herein, the term "affiliate" means any share holder of the transferring corporations, an corporation or entity owned or controlled, directly or indirectly by any shareholder of the transferring corporation.

(d) Any transfer by a partnership to any of its partners.

(e) Any conveyance of an interest in a mobilehome park incidental to the financing of such mobilehome park.

(f) Any conveyance resulting from the foreclosure of a mortgage, deed of trust, or other instrument encumbering a mobilehome park or any deed given in lieu of such foreclosure.

(g) Any sale or transfer between or among joint tenants or tenants in common owning a mobilehome park.

**16.20.040 - 16.20.050**

(h) Any exchange of a mobilehome park for other real property of substantially equivalent value, whether or not such exchange also involves incidental consideration in the form of the payment of cash or other boot.

(i) The purchase of a mobilehome park by a governmental entity under its powers of eminent domain.

**16.20.050 Mobilehome Park Owner Affidavit of Compliance.**

(a) A mobilehome park owner may at any time record, in the official records of the County where a mobilehome park is situated, an affidavit in which he certifies that:

(1) With reference to an offer by him for the sale of such park, he has complied with the provisions of this Article.

(2) With reference to an offer received by him for the purchase of such park, or with reference to a county offer which he intends to make, or has made, for the sale of such park, he has complied with the provisions of this Article.

(3) Notwithstanding his compliance with the provisions of either Section 16.20.020 or 16.20.030 herein, no contract has been executed for the sale of such park between himself and the mobilehome owners.

(4) The provisions of Sections 16.20.020 and 16.20.030 herein are inapplicable to a particular sale or transfer of such park by him, and compliance with such Sections is not required; or

(5) A particular sale or transfer of such park is exempted from the provisions of this Article.

Any party acquiring an interest in a mobilehome park, and any and all title insurance companies and attorneys preparing, furnishing, or examining any evidence of title, have the absolute right to rely on the truth and accuracy of all statements appearing in such affidavit and are under no obligation to inquire further as to any matter of fact relating to the park owner's compliance with the provisions herein.

(b) It is the purpose and intention of this Section to preserve the marketability of title to mobilehome parks, and, accordingly, the provisions of this Section shall be liberally construed in order that all persons may rely on the record title to mobilehome parks.

#### **16.24.010 - 16.24.020**

### **Chapter 16.24**

#### **Mobilehome Installation Regulations**

##### **Sections:**

**16.24.010 Purpose**

**16.24.020 Adaptation of Mobilehome Installation Regulations**

**16.24.010 Purpose.** To establish requirements for mobile home installations reasonably necessary for the protection of life and property and the mobile home occupant, and providing for the issuance of permits and collection of fees therefore.

**16.24.020 Adoption of Mobile Home Installation Regulations.** There is hereby adopted by reference Division 14, Part 2.1 of the California Health and Safety Code and Title 25, Chapter 2, California Administration Code as the City of San Marcos Mobile Home Installation Regulations.

#### **16.28.010 - 16.28.020**

### **CHAPTER 16.28**

#### **TEMPORARY RENTAL OF MOBILEHOMES IN MOBILEHOME PARKS**

##### **Sections:**

**16.28.010 Purpose and Intent**

**16.28.020 Temporary Rental of Mobilehome**

**16.28.030 Obligations of Renters**

**16.28.040 Term of Rentals**

**16.28.050 Severability**

**16.28.010 Purpose and Intent.** Various mobilehome parks prohibit the owner of a mobilehome from renting their mobilehome and subletting the mobilehome space for any period of time. Such rules from time to time impose hardships on owners of mobilehomes who are unable to reside in their mobilehomes but are held liable for the space rental and upkeep of their mobilehome while it is vacant and until the mobilehome can be sold or otherwise re-occupied. It is the intent and purpose of the City Council by enacting this Chapter to alleviate hardships on mobilehome owners who are unable to reside in their mobilehomes by allowing the temporary rental of the mobilehome for a reasonable period of time.

**16.28.020 Temporary Rental of Mobilehome.** It is unlawful for any person to prohibit an owner of a mobilehome lawfully occupying a space in a mobilehome park from renting that mobilehome under any of the following circumstances:

a) The owner of the mobilehome has resided therein for at least a one year period prior to the vacancy that necessitates renting the mobilehome and is unable to continue to occupy the mobile home either temporarily or permanently by reason of illness.

b) The owner of the mobilehome has resided therein for at least one year prior to an absence from the area which necessitates temporarily renting the mobilehome. "Absence from the area" means establishing a temporary or permanent primary abode for an intended period of at least sixty (60) days.

c) The owner of a mobilehome has resided therein for at least a one year period prior to the vacancy that necessitates renting the mobilehome and can no longer continue to meet the rules of occupancy of a mobilehome park by reason of a change of circumstances which disqualifies the owner from residency under the applicable park rules, (for example, the birth or adoption of a child in an adult only mobilehome park).

d) The owner of a mobilehome has resided therein for at least a one year period prior to the vacancy that necessitates renting the mobilehome and the vacancy results from the consolidation of households by tenants in the park.

e) The owner is an heir of the prior owner, or a person in a fiduciary capacity who has received ownership of, or the possessory rights to, a mobilehome through probate, bankruptcy, or foreclosure, or by reason of the prior owner's death or incapacity and requires time to arrange for the sale of the mobilehome, or to arrange for occupancy of the mobilehome by the owner.

#### **16.28.030 - 16.28.050**

**16.28.030 Obligations of Renters.** For the purposes of this section the term "Renter" refers to the person or persons who pay rent to the mobilehome owner in exchange for the temporary right to reside within the subject mobilehome (and the related right to occupy the space upon which the mobilehome is located), but not as a co-occupant with the owner. Any renter of a mobilehome must meet all the rules of occupancy of the mobilehome park in which the mobilehome is located with the exception of any rule which directly or indirectly prohibits, in conflict with this section, the temporary rental of a mobilehome for up to one year. Prior to the mobilehome renter's taking occupancy, that renter and the mobilehome owner shall provide the park owner with:

a) A copy of the mobilehome rental agreement between the owner and the renter;

b) the true names of all intended occupants, their residential phone numbers and their relationship to the renter;

c) business phone numbers for all adult occupants who have such numbers; and

d) an agreement signed by all adult occupants which reads substantially as follows: I have received copies of the lease between the park owner and the home owner for Space #\_\_ and current park rules for the Mobilehome Park. I have read those documents with care. I believe I understand them. I believe that I qualify for occupancy under those rules and the space rental agreement between the park owner and the home owner (except for provisions restricting or prohibiting subleasing). I agree to abide by those Park Rules and to meet all obligations of that space rental agreement which are relevant to an occupant. I understand that the park owner may directly enforce the space rental agreement (except for the provisions restricting or prohibiting subleasing) against me without giving up any rights against the mobile homeowner.

**16.28.040 Term of Rentals.** Temporary rentals authorized by this Chapter may not exceed twelve (12) months in any two (2) year period. If the mobilehome owner resumes occupancy of the mobilehome after a rental allowed by Section 16.28.020 A. (2), no other rental may be allowed pursuant to that subsection until 18 months have expired after the mobilehome owner has resumed occupancy.

**16.28.050 Severability.** If any provision of this Chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Chapter which can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are severable. **(Ord. No. 92-930, 6-9-92)**