



**SUMMARY OF MOBILEHOME RENT CONTROL
SANTA ROSA CITY CODE CHAPTER 6-66 (SRCC 6-66)
February 1, 2011**

This summary is intended as a brief overview of some of the provisions of the Santa Rosa City Code of Mobilehome Rent Control. Full text of SRCC 6-66 is available upon request, or on the City website at: <http://srcity.org> > Economic Development & Housing > Mobilehomes > City Code of Mobilehome Rent Control

The City's Department of Economic Development and Housing administers the City's Mobilehome Rent Control Program. The staff contact is Marjorie Jackson, (707) 543-3311, mjackson@srcity.org.

Rent control applies only to spaces which have a rental agreement term of 12 months or less.

Permitted Rent Increases

Once within a 12-month period, a park owner may implement a Consumer Price Index (CPI) rent increase, or a fair return rent increase, but not both. An in-place transfer rent increase may be implemented at any time during the year.

Annual CPI Rent Increase

Once in a 12-month period the rent charged for mobilehome spaces subject to rent control may increase by the amount of the annual percentage change in August of the CPI, provided it does not exceed 6%.

The annual CPI percentage change in August, 2010 was 1.00%.

If a mobilehome park owner has received approval for a rent increase upon an in-place transfer of ownership of a mobilehome, then the annual CPI increase for all spaces in the park subject to rent control may be calculated using the higher of either the maximum base rent allowed for in-place transfers (*listed below*) or the actual rent of the space at the time of the increase.

Permitted Rent Increases Upon an In-Place Transfer of Ownership of a Mobilehome

The only mobilehome parks in the City allowed to increase rent upon an in-place transfer of ownership of a mobilehome are listed below. Only two increases upon an in-place transfer are allowed on an individual mobilehome space after January 1995. The amount of the increase allowed is the lesser of the following: 1) \$50.00, or 2) the difference between the actual base rent and the approved Maximum Base Rent Allowed Upon In-Place Transfer as listed below. After two rent increases are implemented on the same space, no further increase is allowed upon the transfer of a mobilehome on that site.

Effective February 1, 2011, Maximum Base Rent Allowed Upon an In-Place Transfer of Ownership of a Mobilehome

Coddington	\$470.08	Rancho San Miguel	\$636.33
Journey's End	\$424.03	Rincon Valley	\$469.47
The Orchard	\$732.74	Santa Rosa Village	\$463.45
Rancho Cabeza	\$491.40	Woodcrest	\$574.08

The maximum base rent listed above has been adjusted by 1.00% to reflect the August, 2010 CPI annual percentage change.

Other park owners in the City either did not apply for an in-place transfer rent increase, or were not granted an increase, therefore, are not permitted to increase rents upon an in-place transfer of ownership

of a mobilehome.

The in-place transfer rule does not apply when a homeowner is evicted, when a homeowner voluntarily and permanently removes the mobilehome, or when new spaces are first rented. If these types of vacancies occur, the base rent for these spaces may be set by the park owner.

Fair Return Rent Increase

If a park owner provides evidence which proves the owner is being denied a fair return by the operation of rent control, an Arbitrator may authorize an increase in rents based upon the fair return procedure and method of determination outlined in the City Code of Mobilehome Rent Control.

Options for Tenancy For Prospective Homeowners

A Prospective Homeowner Disclosure Statement form shall be signed by each prospective homeowner upon making application to the park for tenancy. The disclosure will inform them of their tenancy options and requires the park owner to provide a copy of the City Code of Mobilehome Rent Control and other information.

A prospective homeowner shall have the right to select a lease or rental agreement of 12 months or less which will be subject to the City's rent control limitations.

Long-term leases of 13 months or more may also be offered, and are not subject to rent control.

If a mobilehome seller's lease has existing provisions for the lease to be assigned, then the option for tenancy subject to rent control is not required.

A park owner cannot require an amendment to an assigned lease which would increase the rent or change the terms of the annual rent increase provision of the lease upon the sale of the mobilehome.

Capital Improvement and Replacement Pass Throughs

Capital improvement costs, including reasonable financing costs, may be passed through to the residents if a majority of homeowners occupying spaces affected by the pass through consent to the improvement. A capital improvement pass through may be implemented at any time during the year.

Capital replacement costs, including reasonable financing costs, may be passed through to the residents. If 50% of the spaces subject to rent control in a park, or 50 spaces, whichever is less, sign a petition objecting to the pass through, an Arbitrator will hold a hearing to determine if it should be allowed, disallowed, or decreased. A capital replacement pass through may be implemented only on the effective date of the annual CPI rent increase or fair return rent increase.

Government Mandated Expenses

A government mandated expense may be passed through to the residents. If 50% of the spaces subject to rent control in a park, or 50 spaces, whichever is less, sign a petition objecting to the pass through, an Arbitrator will hold a hearing to determine if it should be allowed, disallowed, or decreased. A government mandated expense pass through may be implemented at any time during the year.

Utilities

A park owner may separately pass through to the residents charges for all utilities, including, but not limited to sewer, water, garbage, cable TV, gas and electricity, and any increases in such charges. Water, gas and electric utilities which are not separately metered cannot be passed through, but may be charged as additional rent.

Administrative Fee for Rent Control

The cost for the City to administer this program shall be paid by the park owner. The park owner may pass through to the affected homeowners one-half of this fee, which is assessed each year. A portion of the fee will pay for most Arbitrations.

Rent Freeze and Rent Roll Back

If a petition has been received from 50% of the affected homeowners, or 50 spaces, whichever is less, an Arbitrator will hold a public hearing and may prohibit future rent increases for those spaces subject to rent control, upon the Arbitrator's determination that maintenance of a park has been substantially reduced.

An Arbitrator may prohibit future rent increases, or order a rent roll back, if it is determined a park owner has instituted a rent increase inconsistent with the City Code of Mobilehome Rent Control.

Refusal to Pay Illegal Rent

A homeowner may refuse to pay rent in excess of the maximum rent allowed.

City Ordinance history of the City Code of Mobilehome Rent Control (SRCC 6-66):

<u>Ordinance No.</u>	<u>Effective</u>
3648	Mar 5, 2004
3540	Nov 2, 2001
3491	Aug 29, 2000
3480	Jul 28, 2000
3469	Apr 21, 2000
3376	Aug 29, 1998
3360	Apr 24, 1998
3281	Nov 1, 1996
3255	May 3, 1996
3243	Mar 22, 1996
3219	Nov 3, 1995
3217	Oct 27, 1995
3213	Oct 6, 1995
3072	Sep 17, 1993



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This information can also be accessed via the internet at <http://www.srcity.org>.

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