Reference Materials

Mobile Home Rent Adjustment for Capital Improvements and Rehabilitation Work


- Section 5-25.08. Administrative adjustments to rent for capital improvements and rehabilitation work.

City Council Resolution 2021-034

- A list of capital improvements, rehabilitation work, and useful life categories

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Updated 2021
Sec. 5-25.01. Findings and purpose.

There is a shortage of vacant and available mobile home spaces in the City of Thousand Oaks resulting in a critically low vacancy factor. Mobile home owners, tenants, and residents have a substantial investment in their residences and appurtenances for which space is rented or leased in a mobile home park. Additionally, the cost of moving a mobile home may be substantial, and the risk of damage is significant. Thus, moving a mobile home is often not a feasible option if rent becomes expensive. Many mobile home owners, tenants, and residents are on fixed incomes and, if displaced as a result of their inability to pay increased rents, must relocate at a substantial loss or expense, and, in addition, as a result of such housing shortage they may be unable to find decent, safe and sanitary new housing at affordable rent levels. Aware of the difficulty in finding alternative decent housing, some mobile home owners, tenants, or residents attempt to pay requested and uncontrolled rent increases, but as a consequence, must expend less on other necessities of life. This situation has had a detrimental effect on substantial numbers of renters in the City, especially creating hardships on senior citizens on fixed incomes, and low- and moderate-income households.

The City causes data to be collected through the annual registration statements submitted by mobile home landlords, which confirms a mobile home space and housing shortage continues to exist in the City, the vacancy rate in mobile home parks remain critically low and the deregulation of rents could lead to exorbitant rent increases and aggravation of the crisis, problems and hardships which existed prior to the adoption of the program. This housing shortage necessitates the continuation of the mobile home rent stabilization program. Therefore, it is necessary and reasonable to continue to regulate rents to safeguard mobile home owners, residents, and tenants from excessive rent increases and at the same time provide landlords with a just and reasonable return on their rental spaces.

(§ 2, Ord. 1254-NS, eff. January 23, 1996 as amended by Ord. 1686-NS, eff. August 19, 2021)

Sec. 5-25.02. Definitions.

The following words and phrases, whenever used in this chapter shall be construed as defined in this section.

"Average per space capital improvement cost" means an amount determined by dividing the cost of the capital improvement by the total number of mobile home unit rental spaces in the mobile home park with respect to which the cost was incurred.

"Average per space rehabilitation cost" means an amount determined by dividing the cost of the rehabilitation, less any offsetting insurance proceeds, by the total number of mobile home unit rental spaces in the mobile home park with respect to which the cost was incurred.

"Base year" means the figure employed when determining allowable automatic adjustment to rent pursuant to Section 5-25.06 of this article, as follows:

1. For all adjustments that occur from November 1, 2020 through October 31, 2025, the base year shall be 2015.
2. For all adjustments that occur from November 1, 2025 through October 31, 2030, the base year shall be 2020.
3. Thereafter, on November 1 at five (5)-year intervals, the base year shall increase by five (5) years from the previous base year.
4. For rental spaces vacated, as defined in Section 5-25.07, from January 1, 2005 and thereafter and eligible for decontrol/recontrol pursuant to this chapter, the base year shall be the year in which the space is re-rented and shall remain so until the base year is reset to a later year, as determined by reference to subsections (1) and (2) above. The following are examples:
   i. Example A: Coach A is sold on June 15, 2018 and subject to decontrol/recontrol on that same date. The base year for Coach A is 2018 from June 15, 2018 until October 31, 2025. Starting November 1, 2025, the base year for Coach A shall be 2020 pursuant to subsection (2) above.
   ii. Example B: Coach B is sold on September 1, 2021 and subject to decontrol/recontrol on that same date. The base year for Coach B is 2021 from September 1, 2021 until October 31, 2030. Starting November 1, 2030, the base year for Coach B shall be 2025 pursuant to subsection (3) above.

"Capital improvement" means the addition, replacement, or eligible major repair, of an improvement to a rental space(s) or the common areas or amenity of the mobile home park provided such new improvement has a useful life of three (3) years or more, and exceeds Three Thousand and no/100ths ($3,000) Dollars, including but not limited to, computers, televisions, and electronics, roofing, carpeting, draperies, stuccoing the outside of a building, air conditioning, security gates, swimming pool, sauna or hot tub, fencing, garbage disposal, washing machine or clothes dryer, dishwasher, recreational equipment permanently installed on the premises, streets, driveways, curbs and gutters, sidewalks, water, wastewater, and other utility systems, and other similar improvement, and may include the actual interest cost incurred by the landlord to finance the improvement, so long as the terms and interest rate of such financing are commercially reasonable and negotiated at arm's length.

"Commission" means the Planning Commission of the City of Thousand Oaks.
"Decontrolled space" means any space formerly subject to the Rent Stabilization Ordinance, as amended, which was vacated on or after May 1, 1981 and remained vacant on or after June 26, 1981 by reason of the tenants' voluntary vacation of that space or the tenants' eviction for nonpayment of rent.

"Housing services" means services connected with the use or occupancy of a mobile home rental space including, but not limited to, utilities except those utilities for which a tenant is billed directly by a utility company (including gas, electric, water, and wastewater), ordinary repairs or replacement and maintenance, including painting. This term shall also include the provision of elevator service, laundry facilities and privileges, common recreational facilities, common area landscape maintenance except for the trimming, pruning or removal of trees, janitor service, resident manager, refuse removal, furnishings, and parking.

"Index" means the figure employed when determining allowable rent increases under Section 5-25.06. The index shall be calculated as one hundred percent (100%) of the City's then currently selected Consumer Price Index as determined by the U.S. Department of Labor Statistics for all urban consumers for the year ending March, rounded to the nearest tenth.

"Landlord or Mobile home park owner" means an owner, lessor or sublessor (including any person, firm, corporation, partnership, or other entity) of a mobile home park, who receives or is entitled to receive rent for the use of any mobile home rental space, or the agent, representative or successor of any of the foregoing.

"Maximum adjusted rent" means the maximum rent plus any rent increase subsequently imposed pursuant to Sections 5-25.06, 5-25.07, and 5-25.09. Said amount shall not include any administrative adjustment for capital improvement and/or rehabilitation granted pursuant to Section 5-25.08.

"Maximum base rent" means the highest legal monthly rent which was in effect for the rental space or spaces on November 1 of the base year. Any increase subsequently effected pursuant to Section 5-25.06 shall be computed against the maximum base rent.

"Maximum rent" means the maximum adjusted rent plus any administrative adjustment for capital improvements or rehabilitation granted pursuant to Section 5-25.08 of this chapter.

"Mobile home" means a mobile home as defined in the Mobile Home Residency Law pursuant to Civil Code section 798.3.

"Mobile home park" means a parcel of land where two or more mobile home spaces are rented or leased out for mobile homes used as residences. "Mobile home park" does not include developments which sell lots for mobile homes or manufactured housing for individual ownership, or which provide condominium ownership of such lots, even if one or more homes in the development are rented or leased out.

"Mobile home owner, tenant or resident" means any person entitled to occupy a mobile home which is located within a mobile home park.

"Rehabilitation work" means any rehabilitation or repair work done on or in a rental space or common areas of the housing complex containing the rental space and which work was done in order to comply with any validly issued governmental order, or to repair damage resulting from fire, earthquake or other natural disaster.

"Rent" means the consideration, including any bonus, benefits or gratuity, demanded or received by a landlord for, or in connection with the use or occupancy of a rental space, or the assignment of a lease for such a space including, but not limited to, any monies demanded or paid for parking, furnishings, housing services of any kind, subletting or security deposits.

"Rental space," except as provided in Section 5-25.03, includes underlying land and mobile homes thereon, whether rent is paid for the mobile home and the land upon which the mobile home is located, or rent is paid for the land alone.

"Tenant" means a tenant, subtenant, lessee, sublessee, or any other person lawfully occupying a mobile home rental space.

"Vacancy" means either when a tenant voluntarily vacates a mobile home rental space or when a tenant is legally evicted. A vacancy shall not exist when the tenant sublets or assigns his interest in the rental space, including the subletting or sale of a mobile home coach which remains on the same space within a mobile home park. If a mobile home is removed from the space, the space is decontrolled until re-rented to a new tenant and thereafter is subject to all the provisions of this chapter.

Sec. 5-25.03. Applicability.

(a) The following shall be exempt from the rent control provisions of this Chapter:

(1) Spaces subject to a lease which exempts that space from rent regulation pursuant to the California Mobile Home Residency Law codified in California Civil Code section 798, et seq.

(2) New mobile home park spaces, which are exempt pursuant to Civil Code section 798.45.

(3) Spaces which are not the principal residence of the mobile home owner and which are exempt pursuant to Civil Code section 798.21.

(4) Mobile homes not located in a mobile home park.
(5) Mobile homes located in nonprofit cooperative parks owned and controlled by a majority of the residents.

(6) Mobile homes owned, operated, or managed by a governmental unit, agency, or authority and which are specifically exempt from municipal rent regulations by state or federal law or administrative regulations. Accommodations to which rental assistance is paid pursuant to 24 CFR 882 (HUD Section 8 Federal Rent Subsidy Program) may be exempted wholly or partially from the terms of this Chapter on an individual basis by written application to the City Manager and after notice to the tenant and landlord involved.

(7) Newly constructed spaces in a mobile home park initially held out for rent after January 1, 1990.

(8) Nonprofit mobile home park. Mobile home parks operated by an organization exempt from federal income taxes under Section 501(c)(3) of the Internal Revenue Code provided that the gross income derived therefrom does not constitute unrelated business income as defined in Section 512 of the Internal Revenue Code.

(b) Landlords shall provide to City annually, at the same time as the annual rent registration, copies of those leases for spaces in their parks for which exemption from this ordinance is being claimed pursuant to Civil Code section 798 et seq.

Sec. 5-25.04. Planning Commission.

(a) The City Council hereby designates the Planning Commission as the entity to consider applications submitted in accordance with the provisions of this Chapter.

(b) Powers and Responsibilities. The Planning Commission shall have the power and be responsible for carrying out the provisions of this Chapter and the provisions of any ordinance regulating rents in apartment complexes. It shall have the authority to issue decisions, pass resolutions and establish policies, rules, and regulations to effectuate the purposes of this Chapter. The Planning Commission may request studies and investigations, conduct such hearings, and obtain such information as it deems necessary to carry out these objectives.

(c) Planning Commission Action and Procedure. Each of the five seated Commissioners shall be entitled to one vote. Three members shall constitute a quorum for purposes of conducting a meeting.

Sec. 5-25.05. Restrictions on rents.

(a) No landlord shall demand, accept or retain more than the maximum rent or the maximum adjusted rent for a mobile home rental space permitted pursuant to this chapter or to regulations or orders adopted pursuant to this chapter, nor shall any landlord effect a prohibited rent increase through the reduction of housing services.

(b) All landlords shall maintain records setting forth the maximum adjusted rent, the maximum base rent and the current rent being charged for each rental space. This information shall be disclosed to the City upon the City's request. Each landlord who demands or accepts a rent higher than the maximum adjusted rent or demands or accepts a fee or surcharge shall inform the mobile home owner, tenant, or resident or any prospective mobile home owner, tenant, or resident of the rental space, in writing, of the factual justification for the fee, surcharge or difference between said maximum adjusted rent and the rent which the landlord is currently charging or proposes to charge.

Sec. 5-25.06. Automatic adjustments to rent.

The maximum adjusted rent for any occupied rental space may be increased without permission of the City as follows:

(a) For a rental space which at any time after August 1, 1980 has not had a rent increase for a period of twelve (12) consecutive months or more, the maximum adjusted rent may be increased in an amount, as set forth in subsection (b) below, and as limited by subsection (c) below:

(b) Automatic annual adjustment. The automatic increase shall be determined by multiplying the maximum base rent by the index.

(c) Notice of increases. Notice of any increase in rent pursuant to this section shall be given in accordance with the Civil Code of the State of California.

(d) Notice of index. After review of pertinent information from the U.S. Bureau of Labor Statistics, the Finance Director or designee shall determine the index for each year, and the Community Development Department shall notify each landlord by mail of their determination.

Sec. 5-25.07. Vacancy decontrol/recontrol.

The following provisions apply to any rental space that is vacated or to the replacement of any coach on a rental space.
(a) The maximum adjusted rent may be increased by ten percent (10%) upon re-rental of an existing coach to a new tenant. This shall be known as a "Type A Recontrol."

(b) The maximum adjusted rent may be increased to any amount under the following circumstances and shall be known as "Type B Recontrol":

1. The space is re-rented to a new tenant who replaces the existing Mobile home or brings a new mobile home to an empty space; or

2. An existing tenant who has been a resident for less than one year replaces the existing mobile home.

(c) No increase in rent shall be permitted for a change of coach by an existing tenant who has been a resident of the park at least one (1) year.

(d) Notwithstanding subsection (a), (b), and (c) above, no increase shall be permitted if the new tenant of an existing mobile home is an immediate family member of the existing tenant and is not otherwise exempt from this chapter under Section 5-25.03. For purposes of this section the term "immediate family member" shall include a parent, grandparent, child, sibling, stepparent, stepchild, or stepsibling only.

(e) Thereafter, as long as the rental space continues to be rented by one (1) or more of the same persons, no other rent increase shall be imposed except as provided in this chapter.

(f) Notice of increases. Notice of any increase in rent pursuant to this section shall be given by the landlord in accordance with the Civil Code of the State of California. If an increase has been noticed but not effected prior to the effective date of the ordinance codified in this chapter, said notice shall be construed as a valid notice to increase rents in an amount not to exceed the increase permitted by this section.

(§ 2, Ord. 1254-NS, eff. January 23, 1996 as amended by Ord. 1686-NS, eff. August 19, 2021)

**Sec. 5-25.08. Administrative adjustments to rent for capital improvements and rehabilitation work.**

(a) The Community Development Director shall have the authority to grant rent adjustments for capital improvement and rehabilitation work subject to the procedures set forth below for a rental space or spaces located in the same park upon receipt of an application for adjustment filed by the park owner of the rental space or spaces. In the City Council Resolution No. 2021-034 regarding a list of capital improvements, rehabilitation work, and useful life categories, adopted on June 22, 2021, the City Council has defined the eligible capital improvements and rehabilitation work and their useful life categories that are approved for reimbursement to mobile home park owners. Rent increases approved under this section shall be calculated on a per space per month basis and shall be amortized over the useful life of the improvement as set forth in such Resolution and apportioned equally among the total number of rentable spaces in the park. An increase granted under this Section 5-25.08 shall remain in effect only during the amortization period of the improvement. All applications for rent adjustments to reimburse the owner for capital improvements or rehabilitation work shall be governed by the procedures and requirements of this section.

(b) General requirements. A rent increase for purposes of reimbursing a park owner for a capital improvement or rehabilitation work shall be approved, if all of the following requirements are met, and the application for said rent increase otherwise complies with the provisions of this Section 5-25.08:

1. The expenditure has been made within five (5) years of the date of filing the application.

2. Work for which reimbursement is requested has been performed by a licensed contractor, where required by law.

3. The mobile home park owner submits copies of the contract for the work, cancelled checks, paid invoices, and such other documentation as may be necessary in order to verify the costs incurred for the specific work for which reimbursement is sought.

4. Required annual meeting. Mobile home park owners shall meet with tenants at least once in each calendar year to review and discuss future capital expenditure needs and plans, as well as upcoming potential applications and for rent increases to reimburse for capital expenditures.

(c) Individual tenant space improvements. No increase shall be allowed when the improvement was limited to the interior of a tenant's rental space and said improvement was not necessary to safeguard the landlord's property from deterioration or loss in value, unless the tenant has given express written consent to said increase.

(d) Special requirements. If the rent increase application is for the purpose of reimbursing a park owner for a new improvement, or for replacement of an improvement before the end of its useful life, then the rent increase shall not be approved unless the park owner obtains approval of a majority of tenants voting on the matter in conformance with the following requirements, and also submits satisfactory evidence with the application that demonstrates compliance with said requirements:

1. All of the tenants whose rent would be increased have been provided notice of the nature of the improvement, its total cost, the rental increase (both monthly amount and duration) that will be requested, their right to vote on the issue of whether the improvement should be eligible for a City-approved rent increase in order to reimburse the owner for its cost, and the time and manner in which an election on the matter will be held;

2. The notice was given at least ninety (90) days prior to submittal of the application to the City;
(3) The election required by subsection (1) above has been held by secret written ballot with each space affected by the proposed increase entitled to cast one (1) and only one (1) ballot, and the ballot itself shall recite the specific information required in the notice;

(4) A majority of ballots have been cast in favor of the improvement being eligible for reimbursement through a rent increase, as attested jointly by a representative of the park owner and a representative of the tenants, based on personal inspection and count of the ballots. If the tenant representative refuses to attest to the vote, then owner may attest and submit all ballots cast along with said attestation as proof of the vote; and

(5) The mobile home park owner shall provide documentation of number of ballots cast and the names and space numbers of those persons casting ballots in the election.

(e) Special requirements exception. The special requirements set forth in subsection 5-25.08(d)(4) shall not apply to applications for a rent increase to reimburse a park owner for replacement or renovation work before the end of an improvement's useful life, if it is demonstrated to the satisfaction of the Community Development Director, City Manager, or designee, as applicable, that the work was necessary due to conditions of force majeure (floods, fire, earthquakes, or other Acts of God) or other good cause.

(f) Application filing procedure. Applications for rent adjustments under this subsection shall be submitted to the Community Development Department (Department) on forms provided for that purpose and shall be accompanied by a filing fee of Twenty and no/100ths ($20) Dollars plus Five and no/100ths ($5) Dollars per space affected by the proposed increase. The Department shall notify the applicant of its determination whether the application is complete within thirty (30) days of receipt. If the application is not complete, the Department shall identify information that is missing and required for a complete application. If the Department fails to so notify the applicant within thirty (30) days of receipt, then the application shall be deemed complete.

(g) Notice to tenants by landlord. Upon the Community Development Department determining an application is complete, or if the application is deemed complete pursuant to subsection 5-25.08(f), the landlord shall provide a notice within seven (7) days to each tenant whose rent would be increased that an application has been filed, the nature of the work for which reimbursement is sought, and the amount and duration of rent increase requested. The park owner shall make available to tenants for inspection a copy of the complete application, including all supporting information and documentation, and upon a tenant's request shall provide a copy at a reasonable direct cost of copying.

(h) Tenant opportunity to object. Tenants affected by the proposed rent increase may submit objections regarding the application to the Community Development Department, along with supporting information that evidences noncompliance with the provisions of this section and/or City Council Resolution regarding a list of capital improvements, rehabilitation work, and useful life categories (resolution number to be provided after resolution adoption).

(i) Consideration by Community Development Director. If the Community Development Director receives no objections, or no objections that are supported by evidence of non-compliance, from any tenant within thirty (30) days after the application is complete, and can make all of the findings required by Section 5-25.08(m) of this chapter, the Community Development Director may approve the application, in whole or in part, without hearing. The Community Development Director shall notify the applicant of the decision in writing no later than sixty (60) days after the application is accepted as complete or deemed complete, and the decision shall state the amount and duration of the approved increase, effective date, and recite the findings required by subsection 5-25.08(m) of this chapter, if applicable.

(j) Consideration by City Manager. Except for applications or parts thereof approved by the Community Development Director pursuant to subsection 5-25.08(i), all other appeals of applications or parts thereof that are not approved shall be decided by the City Manager, or designee. Any appeal must be requested in writing to the City Manager within fourteen (14) days of the Community Development Director's decision. The hearing shall take place no later than forty-five (45) days after the Community Development Director's written decision. The City Manager shall consider the information provided in the application, any information submitted by tenants affected by the requested rent increase, the provisions of the Resolution referenced in Section 5-25.08, and any other factors he or she deems to be relevant to the purposes of these provisions. The City Manager may provide additional procedural rules for consideration of applications under this subsection.

(k) Notice of hearing. Notice of any hearing required pursuant to this subsection shall be given by mailing at least fourteen (14) days prior to the hearing, to the applicant and to all tenants whose rent would be increased. The notice shall state the date, time, and location of the hearing.

(l) Decision of City Manager. The City Manager or designee shall render a decision on the application in writing to the park owner and Community Development Director no later than thirty (30) days after the hearing date. The City Manager's decision shall state the amount and duration of the approved increase, effective date, and reasons for the decision, and the findings required by subsection 5-25.08(m) of this chapter, if applicable. The park owner shall post a copy of the decision at the Park Office in a conspicuous location.

(m) Findings for approval. A rent increase for purposes of reimbursing a park owner for a capital improvement or rehabilitation work shall be approved, if all the following findings have been made:

(1) The work for which a rent adjustment is requested, and the application submitted by the landlord meet the applicable requirements of subsections 5-25.08(b) through 5-25.08(f), above.

(2) Landlord has given notice to tenants as required by subsection 5-25.08(g), above.

(3) The type of capital improvement or rehabilitation work and its useful life are listed in and comply with the provisions
of the Resolution referenced in Section 5-25.08 above. If the particular capital improvement or rehabilitation work is not listed in said Resolution, then a determination of the useful life has been made based on similar items listed in the Resolution and/or other competent evidence.

(n) Effective date. Any rent adjustment granted under this section shall become effective after the landlord has received the decision from the Community Development Director or City Manager, or designee, as applicable, and upon providing such notice of the approved increase to tenants whose rent is adjusted pursuant to the decision as may be required by the Civil Code of California.

(o) Finality of decision. The decision of the Community Development Director or City Manager, or designee, pursuant to this Section 5-25.08, shall be final, and no appeal of that decision may be taken by any party to the Planning Commission, City Council or any other officer of the City.

(§ 2, Ord. 1254-NS, eff. January 23, 1996 as amended by Ord. 1686-NS, eff. August 19, 2021)

Sec. 5-25.09. Planning Commission adjustments for just and reasonable return.

(a) Planning Commission adjustments. The Planning Commission shall have the authority, in accordance with such guidelines as the Planning Commission may establish, to grant increases in the rent for a rental space or spaces located in the same mobile home park, upon receipt of an application for adjustment filed by the landlord and after notice and hearing. If the Planning Commission finds that such request for increase is in keeping with the purposes of this chapter and that the maximum rent or maximum adjusted rent otherwise permitted pursuant to this chapter constitutes a just and reasonable rent on the rental space or spaces, the rent increase may be granted. The following are factors, among other relevant factors as the Commission may determine, which may be considered in determining whether a rental space yields a just and reasonable return:

(1) Property taxes.
(2) Reasonable operating and maintenance expenses.
(3) The extent of capital improvements made to the common area or spaces as distinguished from ordinary repair, replacement, and maintenance.
(4) Living space, and the level of housing services.
(5) Substantial deterioration of the rental spaces other than as a result of ordinary wear and tear.
(6) Failure to perform ordinary repair, replacement, and maintenance.
(7) Financing costs on the property if it contains either a balloon payment or variable rate provision.
(8) Changes to the CPI index utilized by the City of Thousand Oaks.

(b) Anti-speculation provision. If the only justification offered for the requested rent increase on the landlord's application is an assertion that the maximum rents or maximum adjusted rents permitted pursuant to this chapter do not allow the landlord a return sufficient to pay both the operating expenses and debt service on the rental space or spaces or on the mobile home park containing the rental space or spaces, a rent adjustment will not be permitted pursuant to this subsection to a landlord who acquired an interest in the rental space or spaces after January 1, 1980.

(c) Procedures involving applications regarding just and reasonable return.

(1) All applications for rent adjustment regarding just and reasonable return shall be submitted to the Community Development Department and shall include, among other things specified in the application requirements or requested by the Department, the mailing addresses and space numbers of the space or spaces for which an adjustment is requested. Each application shall be accompanied by a filing fee of Twenty and no/100ths ($20.00) Dollars plus Five and no/100ths ($5.00) Dollars per space affected by the proposed increase. The Community Development Department shall determine whether an application is complete within thirty (30) days of submittal. The applicant shall produce at the request of the Community Development Department, or Planning Commission at any subsequent hearing, such records, receipts and reports as may be necessary to make a determination on the adjustment request. Failure to produce such requested items shall be sufficient basis for the termination of the rent adjustment proceedings. All applications for rent adjustment, together will all oral and written evidence presented in support thereof, shall be under oath or penalty of perjury.

(2) Within ten (10) days of the determination by the Community Development Department that the application is complete, the Community Development Department shall set a date for a hearing and determination. The City shall notify the tenant or tenants of the subject space or spaces by mail of the receipt of such application, the amount of the requested increase, the landlord's justification for the request, and the place, date and time of the hearing on the adjustment request. The hearing shall occur no less than ten (10) days and no more than forty-five (45) days after the date of mailing such notice.

(3) The hearing shall be conducted in accordance with the rules of procedure which the Planning Commission may choose to adopt. In the event that the Planning Commission does not adopt such rules of procedure, the hearing shall be conducted in general accordance with the City Council Manual of Procedure, Ordinance 488-NS. At the time of the hearing, the landlord and/or affected tenants may offer such documents, testimony, written declarations, or evidence as may be pertinent to the proceedings.
(4) A determination with written findings in support thereof shall be made within seventy-five (75) days from the conclusion of the hearing.

(5) Copies of the findings and determination of the Planning Commission shall be mailed by the City to the applicant and all affected tenants.

(d) Appeal. Any dispute, contention, or disagreement relative to interpretation, application, or enforcement of this Section 5-25.09, shall be submitted to the City Council for determination in accordance with the provisions of Section 4-0.01 through Section 4-0.05 of the Thousand Oaks Municipal Code.

§ 2, Ord. 1254-NS, eff. January 23, 1996 as amended by Ord. 1686-NS, eff. August 19, 2021

Sec. 5-25.10. Remedies.

Any person who demands, accepts or retains any payment of rent in excess of the maximum rent or maximum adjusted rent in violation of the provisions of this chapter, or any regulations or orders promulgated hereunder shall be liable in a civil action to the person from whom such payment is demanded, accepted or retained for damages of three times the amount by which the payment or payments demanded, accepted or retained exceed the maximum rent or maximum adjusted rent which could be lawfully demanded, accepted or retained together with reasonable attorney's fees and costs as determined by the court, together with a civil penalty not to exceed the sum of Two Thousand and no/100ths ($2,000) Dollars or as may be amended pursuant to State law.

§ 2, Ord. 1254-NS, eff. January 23, 1996, as amended by § 7, Ord. 1559-NS, eff. September 6, 2011, as amended by Ord. 1686-NS, eff. August 19, 2021

Sec. 5-25.11. Refusal of mobile home owner, resident, or tenant to pay.

A mobile home owner, resident, or tenant may refuse to pay any rent in excess of the maximum rent or maximum adjusted rent permitted pursuant to this chapter or regulations or orders adopted hereunder. The fact that such rent is in excess of maximum rent or maximum adjusted rent shall be a defense in any action brought to recover possession of a rental space or to collect the illegal rent.

§ 2, Ord. 1254-NS, eff. January 23, 1996 as amended by Ord. 1686-NS, eff. August 19, 2021

Sec. 5-25.12. Prior ordinances.

This chapter is derived from Ordinances 747-NS and 755-NS as amended by Ordinances 782-NS, 787-NS, 805-NS, 831-NS, 838-NS, 846-NS, 933-NS, 1040-NS, 1216-NS, 1254-NS, and 1559-NS. This chapter shall control to the extent a conflict exists between it and any former ordinance to the contrary.

§ 2, Ord. 1254-NS, eff. January 23, 1996, as amended by § 8, Ord. 1559-NS, eff. September 6, 2011, as amended by Ord. 1686-NS, eff. August 19, 2021

Sec. 5-25.13. Registration.

(a) Purpose. The purpose of the registration requirement is to enable the City to monitor rents under this chapter and to provide for the assessment of fees to assist in the financing of the reasonable and necessary expenses of the implementation and administration of the mobile home rent stabilization program within the City of Thousand Oaks.

(b) Registration. On or before January 1 of each year, a landlord shall furnish to the Community Development Department, upon a form provided by said Department, information indicating the maximum base rent and maximum adjusted rent for each rental space in the complex, as of October 31 of the prior year. In addition, pursuant to a request from the Community Development Department, landlords shall also furnish any other rent information needed that will assist in monitoring rents in each park. Such spaces shall be individually designated by their space number and mailing address. Additionally, the landlord shall indicate when the rent for each individual space was last increased pursuant to Sections 5-25.06, and 5-25.07.

(c) Registration fee. By January 1 of each year, the landlord shall submit to the Community Development Department, a registration fee in the amount of Ten and no/100ths ($10) Dollars for each controlled rental space in landlord's park. This section shall not apply to any space which will not receive an increase in rent pursuant to Section 5-25.06 in any year for which the fee is due, provided that the landlord identifies each space which will not receive such an increase by indicating "no increase" in the "Comments" section of the Registration Form (Section 5-25.13(b)), above.

(d) Landlords shall include the requirements as specified in Section 5-25.03(b), if applicable.

(Ord. 1686-NS, eff. August 19, 2021)


If any section, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions. The City Council hereby declares that it would have passed this ordinance, and each section, clause, or phrase thereof, irrespective of portions being declared invalid or unconstitutional.

(Ord. 1686-NS, eff. August 19, 2021)
RESOLUTION NO. 2021-034

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF THOUSAND OAKS ESTABLISHING A LIST OF CAPITAL IMPROVEMENTS AND REHABILITATION WORK AND USEFUL LIFE CATEGORIES IN MOBILE HOME PARKS AND RESCINDING CITY COUNCIL RESOLUTION NO. 2011-046

WHEREAS, the City of Thousand Oaks has adopted a Mobile Home Rent Stabilization Ordinance which is codified as Chapter 25 of Title 5 of the Thousand Oaks Municipal Code; and

WHEREAS, pursuant to that Ordinance the City Council adopted Guidelines for granting rent adjustments to reimburse mobile home park owners for the cost of completion of eligible capital improvements and rehabilitation work and said Guidelines are set forth in City Council Resolution No. 2011-046, adopted July 12, 2011; and

WHEREAS, amended Section 5-25.08(a) of the Thousand Oaks Municipal Code provides that City Council, through adoption of a resolution, define eligible capital improvements and rehabilitation work along with their useful life categories that are approved for reimbursement to mobile home park owners; and

WHEREAS, on June 22, 2021 the City Council conducted a duly noticed public hearing and introduced an ordinance to comprehensively amend Chapter 25 of Title 5 of the Thousand Oaks Municipal Code; and

WHEREAS, as a result of this amendment, there is a need to update City Council Resolution No. 2011-046 to update Exhibit A pertaining to the useful life categories, amortization periods, and the minimum amount of expenditures that must be made to be eligible for reimbursable capital improvements and rehabilitation work within mobile home parks. Therefore, this Resolution includes various modifications to Exhibit A that update the various categories that may be subject to reimbursement as well as the minimum required expenditures.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Thousand Oaks that:

1. City Council Resolution 2011-046 is hereby rescinded and superseded by this Resolution.
2. A non-exclusive list of the most common capital improvements and rehabilitation work with their useful life categories is hereby updated and set forth in attached Exhibit A.

PASSED AND ADOPTED this 22nd day of June, 2021, by the following vote:

Ayes: Councilmembers Adam, Jones, McNamee, Engler, and Mayor Bill-de la Peña
Noes: None
Absent: None

Claudia Bill-de la Peña, Mayor
City of Thousand Oaks, California

ATTEST/CERTIFY:

Cynthia M. Rodriguez, City Clerk

Date Attested: 6/27/2021

APPROVED AS TO FORM:
Office of the City Attorney

Felicia Liberman, Assistant City Attorney

APPROVED AS TO ADMINISTRATION:

Andrew P. Powers, City Manager

The presence of electronic signature certifies that the foregoing is a true and correct copy as approved by the City of Thousand Oaks City Council on the date cited above.
EXHIBIT A

Capital improvements or rehabilitation work is defined as a project with a cost of at least $3000 and consisting of either the addition of a new asset or amenity at the Community with a useful life of at least three years, the replacement of an existing asset or amenity at the Community, or a major repair to an existing asset or amenity at the Community. Major repairs are projects that increase the useful life of such asset by more than three years and exceed $3000 in amount.

The useful life or amortization period (in months) is also listed for capital improvement rehabilitation project. If a capital improvement or rehabilitation project reimbursement application has been submitted, but said improvement or rehabilitation project is not on the list below, the City will determine the useful life for the same, and if appropriate, consider which item on the list most closely matches the improvement or rehabilitation project in question.

<table>
<thead>
<tr>
<th>Description of Improvement⁴</th>
<th>Useful Life</th>
</tr>
</thead>
<tbody>
<tr>
<td>Computers, Televisions, Electronics</td>
<td>5 Years</td>
</tr>
<tr>
<td>Lawn mower/landscaping equipment</td>
<td>5 Years</td>
</tr>
<tr>
<td>Pool/Spa heaters and equipment</td>
<td>5 Years</td>
</tr>
<tr>
<td>Heating/Cooling (5-ton units or smaller)</td>
<td>5 Years</td>
</tr>
<tr>
<td>Slurry Seal/Striping of asphalt</td>
<td>5 Years</td>
</tr>
<tr>
<td>Appliances (i.e. refrigerator, barbeque, laundry equipment)</td>
<td>7 years</td>
</tr>
<tr>
<td>Recreation Equipment</td>
<td>7 years</td>
</tr>
<tr>
<td>Exercise/gym equipment</td>
<td>7 years</td>
</tr>
<tr>
<td>Pool/Spa Major Repairs (e.g. re-plaster)</td>
<td>7 years</td>
</tr>
<tr>
<td>Paint – Interior</td>
<td>7 years</td>
</tr>
<tr>
<td>Carpet/flooring</td>
<td>10 years</td>
</tr>
<tr>
<td>Furniture</td>
<td>10 years</td>
</tr>
<tr>
<td>Sound System including all AV equipment</td>
<td>10 years</td>
</tr>
<tr>
<td>Paint – Exterior</td>
<td>10 years</td>
</tr>
<tr>
<td>Security System</td>
<td>10 years</td>
</tr>
<tr>
<td>Signage</td>
<td>10 years</td>
</tr>
<tr>
<td>Plumbing fixtures (faucets, shower heads) not including toilets</td>
<td>10 years</td>
</tr>
<tr>
<td>Lighting Fixtures</td>
<td>10 years</td>
</tr>
<tr>
<td>Vehicle gates including motors and controls</td>
<td>10 years</td>
</tr>
</tbody>
</table>

⁴ Item must meet $3000 threshold to be reimbursable.

cdd:430-40/Resolution-Council#02/pz (FILE ID: MCA 2021-70174)
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RES. NO. 2021-034
<table>
<thead>
<tr>
<th>Item</th>
<th>Life Expectancy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fencing – Wood</td>
<td>20 years</td>
</tr>
<tr>
<td>Heating/Cooling (5-ton units or larger)</td>
<td></td>
</tr>
<tr>
<td>Toilets</td>
<td></td>
</tr>
<tr>
<td>Roofing</td>
<td>20 years or as manufacturer recommends</td>
</tr>
<tr>
<td>Fencing – Metal (i.e. chain link, steel)</td>
<td>30 years</td>
</tr>
<tr>
<td>Tree Removal/Replacement</td>
<td>As needed</td>
</tr>
</tbody>
</table>