A. Mobile Home Rent Stabilization Ordinance

RECOMMENDATION:

1. Receive information regarding the history of mobile home rent control regulations in the City of Thousand Oaks.

2. Provide direction as appropriate.
TO: Andrew P. Powers, City Manager
FROM: Kelvin Parker, Community Development Director
       Tracy M. Noonan, City Attorney
DATE: September 13, 2022
SUBJECT: Mobile Home Rent Stabilization Ordinance

RECOMMENDATION:
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FINANCIAL IMPACT:

No Additional Funding Requested. Minimal staff time to prepare and process this report is included in the Adopted FY 2022-23 General Fund Budget.

BACKGROUND:

At the August 30, 2022, City Council meeting, a number of mobile home park residents spoke regarding rent increases being imposed by mobile home park owners and requested the City to take action to provide financial relief. Mobile home park rent adjustments were not on the City Council agenda and therefore could not be discussed. The City Manager placed this item on the September 13, 2022, City Council agenda for consideration.

A history of mobile home park rent control/regulations and the various associated issues is presented in this report.

DISCUSSION/ANALYSIS:

There are currently eight mobile home parks in the City. Five mobile home parks are restricted to seniors and three mobile home parks operate as family parks, totaling 1,008 spaces.
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The City has regulated mobile home park rent since 1980 through a Mobile Home Rent Stabilization Program. The regulations were amended several times from 1980 to 1996.

1996

In 1996, the City readopted and codified updated regulations via Ordinance 1254-NS (“1996 RSO”) (Attachment #1), which set forth restrictions on rent in the following manner:

1. Authorized automatic adjustments to rent based on a statutory formula without necessitating approval by the Rent Adjustment Commission ("RAC").

2. Defined “Index” to mean “the figure employed when determining allowable rent increases … and shall be calculated by taking 75 percent of the Los Angeles-Long Beach-Anaheim Consumer Price Index for all urban consumers for the year ending April 1, rounded to the nearest tenth. No index in excess of 7 percent shall be employed."

3. The formula for rent increases was to multiply the Maximum Base Rent by the Index. Maximum Base Rent refers to the highest rent charged for an individual space during the Base Year, which was 1986 for purposes of this version of the ordinance. All annual rent adjustments were formulated using this amount. In other words, rent increases were not calculated against the current year’s rent, but against the rent charged on July 1, 1986 (or such date as a new coach was leased to a new occupant).

4. Authorized additional rent increases for specific capital improvements and rehabilitation expenses (“Capital Improvement”) via an application process. The City Manager or designee would make a determination on the application and that determination could be appealed to the City Council.

5. Authorized additional rent increases based on finding that the current rent does not constitute a just and reasonable return on the rental space (“Just and Reasonable Return”). A mobile home park owner could submit an application for an increase and provide documentary evidence to support the increase, such as property tax information, maintenance and operating expenses, and financing costs. The RAC would decide, and that determination could be appealed to the City Council.
2010/2011

2010 Park Owner Adjustment Applications

In 2010, the City received three (3) applications by park owners for increases in rents under the Just and Reasonable Return and the Capital Improvement provisions in the 1996 RSO.[1] Approval of these applications would have resulted in significant rent increases for the residents. For example, rents in the Thunderbird Oaks Mobile Home Park (Thunderbird) would have increased $332.52 per month, and rents in the Ranch Mobile Home Park (Ranch) would have increased $620.11 per month. Hearings were held before the RAC in 2011.

The City hired an expert to evaluate the applications and make a recommendation to the RAC. The expert was required to consider the profits earned and expenses incurred by the park owners, the Just and Reasonable Return factors set forth in the 1996 RSO, significant State and case law related to mobile home park regulations, and other pertinent factors. The recommendation resulted in substantial reductions to the rent increase requested by the park owners: The RAC approved a $62.00 per month rent increase for Thunderbird, phased in over a 2-year period, and approved a $191.95 per month increase for Ranch, phased in over a 7-year period. These rent increases approved by the RAC were concerning to the residents, many who indicated they were on fixed incomes.

The RAC decisions were appealed to City Council in early 2011 and City Council upheld those decisions. In November 2010, prior to the RAC determination on the applications, the City Council authorized the then mayor to facilitate discussions between the park owners and residents to find common ground and resolve the issues related to rent and potential closures/conversions. The City Council had several concerns:

(1) The residents were faced with significant rent increases. The 1996 RSO authorized these types of increases, which resulted in uncertainty for the residents. One of the purposes of the 1996 RSO was to create certainty for the residents that rent could increase annually, but the maximum increase would be known based on the formula set forth in the 1996 RSO. Additional increases permitted under the Capital Improvements and the Just and Reasonable Return provisions, however, could be significantly higher. The park owners were keenly interested in a rent adjustment permitted by the regulations.

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1This was in addition to a 2005 application by the Conejo Mobile Home Park Owner to close the park and a 2008 application by the Vallecito Mobile Home Park Owner to convert and subdivide the park into individual lots for sale.
(2) At the time, the legal landscape around mobile home parks was evolving. Various State laws were passed that provided mobile home park owners with more control over their property (i.e., mobile home park closures and conversions to for-sale lots). Case law also provided mobile home park owners with more control and rights.

2011 Mediation Between Park Owners and Residents

Former Mayor Andrew Fox proposed a confidential mediation process that involved appointing resident delegates from each mobile home park to represent the residents of the parks during the mediation with the park owners. Ranch Mobile Home Park residents declined to participate in the mediation because of the confidentiality requirement. The other park residents appointed delegates to mediate on their behalf. Numerous meetings were conducted, and the park owners and residents ultimately agreed to make changes to the 1996 RSO. The significant provisions of the mediated agreement were codified in the 2011 Rent Stabilization Ordinance 1559-NS (“2011 RSO”) (Attachment #2), and were as follows:

1. Special one-time supplemental rent adjustment of $100 for all mobile home parks except Ranch. This adjustment was phased in over 6 years in the amount of $16.67 per space per month. For Ranch, the supplemental adjustment was identical to the Just and Reasonable Rent adjustment recommended by the RAC - $191.95 per month, plus temporary interest - and was phased-in over 7 years at $27.42 per space per month. This supplemental adjustment was agreed to in lieu of the park owners being able to request a Just and Reasonable Return rent adjustment for a 10-year period.

2. Tenant subsidy program for the supplemental rent adjustment. All park owners were required to offer a subsidy program for income-qualified residents. The program also prohibited eviction of a qualified resident due to an inability to pay the supplemental rent increase.

3. Revisions to the Index and Base Year used to determine the automatic annual adjustment. The 1996 RSO set the Base Year at 1986 and the automatic annual adjustment at 75 percent of CPI with a maximum of 7 percent. Under the revised agreement upon formula, beginning in 2011, the Base Year for calculations would be set at 2005, and would change every 5 years by 5 years, and starting in 2017, the Index would change from 75 percent of CPI to 100 percent of the CPI. The parties agreed that there would be no ceiling or floor on annual increases.

4. Limited additional rent increases allowed through vacancy decontrol/recontrol.
5. Adjustments related to process and requirements for rent adjustment applications related to reimbursement for Capital Improvements.

6. A ten-year covenant not to sue or seek Just and Reasonable Return rent adjustments was recorded by each park owner. The covenant included an agreement not to convert the mobile home parks to for-sale lots during the ten-year period. The covenant would be rendered void, however, if the City substantively amended the RSO or a court invalidated a material part of the RSO.

City Council approved the mediated agreement via adoption of the 2011 RSO. City Council also repealed other resolutions relating to Ranch Mobile Home Park to eliminate potential inconsistencies or ambiguities between the resolutions and the 2011 RSO. City Council adopted the 2011 RSO which resolved two significant issues before the City: balancing the desire to safeguard residents from excessive rent increases, while at the same time, providing park owners with a just and reasonable return.

**Litigation Regarding the 2011 RSO**

After City Council adoption of the 2011 RSO, the City was sued by the residents at Ranch Mobile Home Park. They sought to invalidate the 2011 RSO based in part on Fair Housing and Due Process laws, and requested millions of dollars in damages. The City spent more than $1 million defending the validity of the 2011 RSO. If the Ranch residents were successful invalidating the 2011 RSO, there would no longer be rent control for any of the mobile home parks in the City, including the Ranch residents, and the park owners would have been able to raise rents by any amount without any oversight or regulation by the City. The ramifications of the lawsuit impacted every single resident and park owner. The City ultimately prevailed after many years of litigation.

**2021**

**Sunset of the 2011 Mediated Agreement**

The 10-year special rent adjustment moratorium sunsetted on August 18, 2021. On June 22, 2021, City Council approved revisions to the 2011 RSO. The 2011 RSO was amended to: (1) to ensure consistency with changes in State law, provide clarity, and delete obsolete provisions; (2) address the impending expiration of the 10-year moratorium on Just and Reasonable Rent adjustments; and (3) dissolve the RAC and assign the duties of the RAC to the Planning Commission. City Council did not make any substantive changes to the annual rent adjustment formulas agreed upon between the park owners and mobile home park residents.
Current 2021 RSO

The City’s current ordinance 1686-NS (“current RSO”) (Attachment #3) allows for automatic annual adjustment to rents just as the 1996 RSO and the 2011 RSO allowed. The adjustment is based on the change in CPI and continues to be applied to a base rent. The calculation of “Index” remains the same as set forth in the 2011 RSO except that the language referring to the calculation prior to 2017 was deleted. Both the 2011 RSO and the Current RSO calculate the “Index” as 100 percent of the Consumer Price Index rounded to the nearest tenth. (Section 5-25.02). As a reminder, the calculation of permissible rent adjustments up to 100 percent of CPI, has been in place since 2017 and was negotiated and agreed upon by the residents and park owners. The annual rent adjustment provisions are set forth in Section 5-25.06:

“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.”

In addition, the current RSO continues to allow for Capital Improvement rent adjustments (Section 5-25.08) and Just and Reasonable Return adjustments. (Section 5-25.09). A key difference between the 2011 RSO and the current RSO is that park owner applications are considered by the Planning Commission instead of a RAC.
Current Resident Requests

Current economic conditions have impacted most people in our community. Inflation is higher than it has been in many years, and prices for food and gas to medical services have risen. Even prior to the current economic challenges, rental property in the City has been scarce with vacancy rates at 1-2 percent for years, and rents for all housing types have increased significantly. There were increases in wages, although not typically commensurate with inflation. In addition, Social Security income benefits were increased by 5.9 percent in January 2022 and are anticipated to increase by as much as 9-10 percent in January 2023.

As previously noted, mobile home park residents requested changes be made to the current RSO in order to keep the annual rent adjustments low and provide some relief. Staff met with some of the residents and noted the following requested modifications to the Current RSO:

- Reduce the percentage of CPI that is applied to the rent adjustment
- Place a cap on the CPI itself

Each of these requests would require City Council to amend the current RSO. Any changes to the current RSO would include a consideration of legal restrictions and certain risks as summarized below.

Legal Restrictions Related to Rent Control/Mobile Home Parks

Regulation of rent charged for residential rental units is within the City’s police powers with some exceptions. However, units constructed after 1995 are statutorily exempt from rent regulation pursuant to State law. For mobile home spaces, a city is precluded from enacting rent regulations for spaces created after 1990. In general, rent control must serve a legitimate governmental purpose and permit the property owner to earn a just and reasonable return. There are numerous areas of law that govern mobile home regulations and rent control. The following are pertinent to this discussion:

- 5th Amendment – Just and Reasonable Return Rights

Property owners have civil rights under the Federal and State Constitutions. The Fifth Amendment prohibits government from “taking” property without just compensation. A “taking” can be physical (i.e., city takes property for a road-widening project), or regulatory (i.e., city adopts an ordinance preventing use of the property).
In order to ensure a rent control regulation does not amount to a regulatory taking, a governmental entity must ensure that the regulation provides the property owner a just and reasonable return. A “just and reasonable return” has been described as one that is high enough to encourage good management, reward efficiency, and discourage the flight of capital; is commensurate with returns on comparable investments, but not so high as to defeat the purpose of preventing excessive rents. This is a heavily litigated matter; however, each case is unique to its facts and circumstances. A denial of a just and reasonable return constitutes an unconstitutional taking of property.

- **Mobile Home Park Closure/Conversion Laws**

Mobile homes and mobile home parks are extensively regulated by State law. Closures and conversions of mobile home parks are legally permitted under State law, and a city may not prevent or prohibit the closure or conversion of a mobile home park to resident-owned lots. The City’s Zoning Code sets forth the process to close or convert a mobile home park but acknowledges that the City’s regulations are preempted by any changes to State law.

*Consideration of the Current RSO and Potential Amendments*

Any substantive revisions to the current RSO, such as changes to the annual rent adjustment formula, should take into consideration the following:

- **Right to Just and Reasonable Returns on Investments**

Park owners have a constitutional land use right to a just and reasonable rate of return on their investment property. Under the current RSO, park owners are allowed to request a Just and Reasonable Return adjustment in addition to the prescribed annual rent adjustment if they believe that they are legally entitled to a higher rent adjustment in order to yield a just and reasonable return. The Just and Reasonable Return Adjustment Application requires the owner to show their property income and expenses, in addition to other documentation to substantiate the request.

- **Potential Litigation**

Any amendments to the current RSO would allow for legal challenges by any party. These lawsuits can range from a Fifth Amendment challenge by a park owner to a Fair Housing or Due Process challenge by a resident.
Under any circumstances, these lawsuits are very costly and traditionally take years to resolve. In some circumstances, it can result in the elimination of rent control.

- Mobile Home Park Closures

According to recent statistics, 41 California mobile home parks have closed since 2015 to make way for redevelopment, as the land is far more valuable for developers to create more density. Culver City alone is in the process of closing potentially 4 mobile home parks. While there are some protections in place for residents when parks close, the compensation offered may be insufficient, and there is little or no space in the surrounding mobile home parks to absorb any displaced residents.

**Status of 2022 Rate Adjustments**

City notice regarding the eligible 2022 annual mobile home park rent adjustment was delivered to the mobile home park owners in early May 2022. Pursuant to the current RSO, the maximum rent adjustment for a mobile home park space for the period November 1, 2022, through October 31, 2023, shall be no more than 8.5 percent of the current maximum base rent. Park owners were contacted in recent weeks to confirm their rate increase and determine if they would consider a reduction in the scheduled increase. The findings of the survey are presented below.

<table>
<thead>
<tr>
<th>Mobile Home Park*</th>
<th>Increase% &amp; Date</th>
<th>Consider Reduction?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elms Plaza</td>
<td>8.5%, Nov. 1, 2022</td>
<td>Firm, no change</td>
</tr>
<tr>
<td>Ranch</td>
<td>8.5%, Nov. 1, 2022</td>
<td>Firm, no change</td>
</tr>
<tr>
<td>Thunderbird Oaks</td>
<td>8.5%, Nov. 1, 2022</td>
<td>Firm, no change</td>
</tr>
<tr>
<td>Twin Palms</td>
<td>8.5%, Jan. 1, 2023</td>
<td>Firm, no change</td>
</tr>
<tr>
<td>Vallecito</td>
<td>6.0%, Nov. 1, 2022</td>
<td>Firm, no change</td>
</tr>
<tr>
<td>Ventu Park Villa</td>
<td>8.5%, Nov. 1, 2022</td>
<td>Firm, no change</td>
</tr>
<tr>
<td>Ventu Park Estates</td>
<td>8.5%, Nov. 1, 2022</td>
<td>Firm, no change</td>
</tr>
</tbody>
</table>

*Lakestone Mobile Home Park owner reports no tenants in park

**SUMMARY**

Since 1980, the City has regulated rents charged to residents in mobile home parks. These regulations were comprehensively updated two times – 1996 and 2011.
The modifications that occurred in 2011 were the result of a complex mediation, between park owners and mobile home park residents which established mutually agreed-upon criteria for rent increases in all mobile home parks in the City for a ten-year period that ended last year, and a mutually agreed-upon formula for annual rent adjustments in all mobile home parks after that ten-year period.

High inflation has resulted in an unusually substantial increase in the Consumer Price Index, and in accordance with the current RSO, permitted rents in mobile home parks to increase by up to 8.5 percent effective November 1, 2022. High inflation has impacted both the residents and the park owners.

Some residents have requested the City to modify the current RSO to reduce the upcoming rent increase, however, any amendment to the current RSO gives rise to significant legal considerations.

**COUNCIL GOAL COMPLIANCE:**

Meets the following City Council goal(s):

B. Provide municipal government leadership which is open and responsive to residents, and is characterized by ethical behavior, stability, promoting public trust, transparency, confidence in the future, and cooperative interaction among civic leaders, residents, business representatives, and staff, while recognizing and respecting legitimate differences of opinion on critical issues facing the City.

C. Operate City government in a fiscally and managerially responsible and prudent manner to ensure that the City of Thousand Oaks remains one of California's most desirable places to live, work, visit, recreate, and raise a family.

**PREPARED BY:** Gary Rogers, Deputy City Manager

Attachments:
- Attachment #1 – Ordinance 1254-NS (1996 RSO)
- Attachment #2 – Ordinance 1559-NS (2011 RSO)
- Attachment #3 – Ordinance 1686-NS (current RSO)
ORDINANCE NO. 1254-NS

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF THOUSAND OAKS RE-ADOPTING, CODIFYING
AND AMENDING THE MOBILEHOME RENT STABILIZATION
ORDINANCE AND PROGRAM FOR THE CITY OF THOUSAND OAKS.

The City Council of the City of Thousand Oaks does hereby ordain as follows:

Part 1

The uncodified Ordinance No 933-NS (Rent Stabilization Program) is hereby repealed and is to be replaced by the codified sections set forth below.

Part 2

Chapter 25 is added to Title 5 of the Thousand Oaks Municipal Code to read as follows:

CHAPTER 25. MOBILEHOME RENT STABILIZATION

Sec. 5-25.01. Findings and Purpose.

There is a shortage of vacant and available mobilehome spaces in the City of Thousand Oaks resulting in a critically low vacancy factor. Many mobilehome tenants 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 tenants 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 mobilehome landlords, which confirms a mobilehome space and housing shortage continues to exist in the City, the vacancy rate in mobilehome parks remains critically low and the deregulation of rents at this time 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 mobilehome rent stabilization program. Therefore, it is necessary and reasonable to continue to regulate rents so as to safeguard tenants from excessive rent increases and at the same time provide landlords with a just and reasonable return on their rental spaces.

Sec. 5-25.02. Definitions.

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

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

(b) "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 mobilehome unit rental spaces in the mobilehome park with respect to which the cost was incurred.

(c) "Capital improvement" means the addition or replacement of improvements to a rental space, spaces or the common areas of the mobilehome park, provided such new improvement has a useful life of five years or more, including but not limited to, 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, and other similar improvements as determined by the Commission.

(d) "Commission" means the Rent Adjustment Commission of the City of Thousand Oaks.

(e) "Decontrolled space" means any space formerly subject to the Rent Stabilization Ordinance, as amended, which was vacant on or after June 26, 1981, and such vacancy occurred on or after May 1, 1981 by reason of the tenants' voluntary vacation of that space or the tenants' eviction for non-payment of rent.

(f) "Housing services" means services connected with the use or occupancy of a mobilehome rental space including, but not limited to, utilities (including cable T.V., light, heat, water and telephone), 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, janitor service, resident manager, refuse, removal, furnishings, parking, and any other benefits, privileges or facilities.
(n) "Mobilehome tenant or resident" means any person entitled to occupy a mobilehome which is located within a mobilehome park.

(o) "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 an order issued by the Department of Building and Safety, the Health Department, or the Fire Department, or to repair damage resulting from fire, earthquake or other natural disaster.

(p) "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.

(q) "Rental space," except as provided below, includes underlying land and mobilehomes thereon, whether rent is paid for the mobilehome and the land upon which the mobilehome is located, or rent is paid for the land alone. The term shall not include:

1. Four or fewer mobilehomes located on the same lot or parcel.
2. Mobilehomes located in nonprofit cooperative parks owned and controlled by a majority of the residents.
3. Mobilehomes which a governmental unit, agency or authority owns, operates, or manages 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 C.F.R. 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.
4. Mobilehomes located in a mobilehome park for which a certificate of occupancy was first issued after June 30, 1980.
5. Nonprofit mobilehome parks. Mobilehome 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.
(g) "Index" means the figure employed when determining allowable rent increases under section 5-25.05, and shall be calculated by taking 75% of the Los Angeles-Long Beach-Anaheim, Consumer Price Index for all urban consumers for the year ending April 1, rounded to the nearest tenth. No index in excess of 7% shall be employed.

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

(i) "Maximum adjusted rent" means the maximum rent plus any rent increase subsequently effected pursuant to sections 5-25.05 and 5-25.06, less any rent reductions required by regulations promulgated by the Commission. Said amount shall be rounded to the nearest dollar and shall not include any increase for capital improvement work or rehabilitation work approved by the City.

(j) "Maximum base rent" means, for a rental space that was occupied by one or more of the same tenants from July 1, 1986 to February 22, 1996, the highest legal monthly rent which was in effect for the rental space or space on July 1, 1986. For rental spaces vacated, as defined in section 5-25.05 (b), between July 1, 1986 and February 22, 1996 and for all spaces vacated after that date and eligible for decontrol/recontrol pursuant to this Chapter, the maximum base rent shall be the highest legal rent in effect on the re-renting of the space. Any increase subsequently effected pursuant to section 5-25.05 shall be computed against the maximum base rent.

(k) "Maximum rent" the highest legal monthly rate of rent which was in effect for the rental space during any portion of the month of June 1980. If a rental space is not rented during said month, then it shall be the highest legal monthly rate of the rent in effect between June 1, 1979 and May 31, 1980. If a rental space was not rented during either of the above periods, then it shall be the rent charged for an equivalent space that was rented during the month of June 1980, or if not so rented then, during the period between June 1, 1979 and May 31, 1980.

(l) "Mobilehome" means a single dwelling unit structure designated or designed for human habitation, transported over the highways to a permanent occupancy site, and installed on the site either with or without a permanent foundation.

(m) "Mobilehome park" means a parcel of land where five or more mobilehome spaces are rented or leased out for mobilehomes used as residences. "Mobilehome park" does not include developments which sell lots for mobilehomes or manufactured housing, or which provide condominium ownership of such lots, even if one or more homes in the development are rented or leased out.
(r) "Tenant" means a tenant, subtenant, lessee, sublessee, or any other person entitled to use or occupancy of a mobilehome rental space.

(s) "Vacancy" means when a tenant voluntarily vacates a mobilehome rental space or when a tenant is evicted for nonpayment of rent. A vacancy shall not exist when the tenant sublets or assigns his interest in the rental space, including the subletting or sale of a mobilehome coach which remains on the same space within a mobilehome park. If a mobilehome 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 ordinance.

Sec. 5-25.03. The Rent Adjustment Commission.

(a) Creation and Organization of the Rent Adjustment Commission. The "Rent Adjustment Commission of the City of Thousand Oaks" is hereby created. The Commission shall consist of five seated members comprised of one landlord, one tenant and three individuals who are neither landlords nor tenants of a residential rental property. Three alternate commissioners may be appointed by the City Council to the Commission, comprised of one landlord, one tenant, and one individual who is neither a landlord nor a tenant of a residential rental property. The seated members and alternates shall be appointed and removed by the Council, all serving at the Council's pleasure. If at any time during the term of a seated member or alternate member, the member becomes a landlord or tenant of residential rental property, or ceases to be same in conflict with his/her Commission designation, the office or position of that member shall immediately become vacant and a new appointment made thereto.

The term of office or assignment for each member of the Commission shall be for the period of time from their appointment to the time that this section is no longer in effect. The Commission shall designate one of its members as a chairperson and one of its members as vice chair, which officers shall hold office for one year and until their successors are elected.

(b) 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. The decisions of the Commission shall be determined by a majority vote of the seated members present. An alternate Commissioner may only become a seated Commissioner for purposes of Commission action or decision in the absence of the Commissioner appointed as a seated member of the Commission or if the seated member asks to be excused. In the event of such absence, an alternate Commissioner shall be seated only in accordance with his/her designation as a landlord, tenant, or non-landlord/non-tenant. In no event shall more than five votes be cast for any action or decision of the Commission.

(c) Powers and Responsibilities. The 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 orders and promulgate policies, rules and
regulations to effectuate the purposes of this Chapter. It may make such
studies and investigations, conduct such hearings, and obtain such information
as it deems necessary to promulgate, administer and enforce any regulation,
rule or order adopted pursuant to this Chapter. The City Manager shall
designate employees to furnish staff support to the Commission.

Every year the Commission may render to the City Council a
written report of its activities pursuant to the provisions of this Chapter
along with such comments and recommendations as it may choose to
make. The Commission shall meet as often as necessary to perform its
duties.

(d) Compliance with Brown Act. The meetings of the Commission shall
be held within the city and open to the public. Such meetings shall be
conducted in accordance with the items contained in a posted agenda and
conducted in compliance with the state Brown Act.

Sec. 5-25.04. Restrictions on rents.

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.

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 tenant or any prospective tenant 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. 5-25.05. Automatic adjustments to rent and vacancy decontrol.

The maximum adjusted rent for any rental space may be increased without
permission of the Rent Adjustment Commission as follows:

(a) Occupied Rental Spaces. For a rental space which at any time
after August 1, 1980 has not had a rent increase for a period of 12
consecutive months or more, the maximum adjusted rent may be increased in an
amount determined by multiplying the Maximum Base Rent by the Index.

Notice of Index. After review of pertinent information from the
U.S. Bureau of Labor Statistics, the City Manager shall determine the Index
from each year and notify each landlord by mail of his finding. Automatic
adjustments effected September 1 through August 31 shall employ the Index immediately prior to that period.

(b) Vacancy Decontrol/Recontrol. If a rental space is vacated voluntarily or as a result of eviction for nonpayment of rent, the maximum adjusted rent may be increased to any amount upon the re-rental of the rental space. Thereafter, as long as the rental space continues to be rented to one or more of the same persons, no other rent increase shall be imposed except as provided in this Chapter.

(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. If an increase has been noticed but not effected prior to the effective date of this ordinance, said notice shall be construed as a valid notice to increase rents in an amount not to exceed the increase permitted by this section.

Sec. 5-25.06. Administrative adjustments to rent.

(a) Capital Improvements and Rehabilitation. The City Manager or his designee, in accordance with such guidelines as the Commission may establish, shall have the authority to grant rent adjustments 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 landlord of the rental space or spaces if he finds that one or more of the following grounds exist:

(1) That on or after January 1, 1982, the landlord has completed a capital improvement with respect to a rental space and has not increased the rent to reflect any of the cost of such improvement. If such a finding is made, the landlord shall be entitled to a monthly rent increase equivalent to the cost of the improvement divided by the number of months of the improvement’s useful life, except that no increase shall be allowed when the improvement was discrete 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 without the express written consent of the tenant to such an increase. The Commission shall provide, by resolution, for the categorization of the capital improvement into five, ten and 15 year useful lives and shall, when necessary, decide which useful life category shall be applied to capital improvements which are not identified within the above-mentioned resolution. The City Manager or his designee shall be responsible, in the absence of the tenant’s written consent, for determining whether or not an improvement was necessary to safeguard the landlord’s property from deterioration or loss in value. Nothing in this section shall be interpreted to preclude a landlord from making or performing a capital improvement.
(2) That on or after January 1, 1982, the landlord has completed rehabilitation work with respect to a rental space and has not increased the rent to reflect any of the cost of such work. If such a finding is made, the landlord shall be entitled to a monthly rent increase equivalent to the cost of the improvement divided by the number of months that the City Manager or his designee determines to be the appropriate amortization period for that rehabilitative work.

(b) Just and reasonable return.

(1) Commission Adjustments. The Commission shall have the authority, in accordance with such guidelines as the Commission may establish, to grant increases in the rent for a rental space or spaces located in the same mobilehome park, upon receipt of an application for adjustment filed by the landlord and after notice and hearing, if the Commission finds that such 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 does not constitute a just and reasonable rent on the rental space or spaces. 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:

(i) property taxes;
(ii) reasonable operating and maintenance expenses;
(iii) the extent of capital improvements made to the common area or spaces as distinguished from ordinary repair, replacement and maintenance;
(iv) living space, and the level of housing services;
(v) substantial deterioration of the rental spaces other than as a result of ordinary wear and tear; and
(vi) failure to perform ordinary repair, replacement and maintenance; and
(vii) financing costs on the property if such financing was obtained prior to April 1, 1980 and if it contains either a balloon payment or variable rate provision.

(2) 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 mobilehome 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.

(1) All applications for rent adjustment shall be submitted to the City Manager and shall include, among other things, 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 $20.00 plus $5.00 per space affected by the proposed increase. The City Manager shall determine whether an application is complete within 30 days of submittal. The applicant shall produce at the request of the City Manager or Commission 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 with all oral and written evidence presented in support thereof, shall be under oath or penalty of perjury.

(2) Within ten days of the determination by the City Manager that the application is complete, the City Manager shall set a date for a hearing and determination. The City Manager 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 be set no less than ten 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 rules of procedure which the Commission may choose to adopt. In the event that the 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 any 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 determination that the application for rent adjustment was complete. The rent adjustment may be granted for less than, but not for more than, the amount requested.

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

cao:jt
Sec. 5-25.07. Evictions.

(a) A landlord may bring an action to recover possession of a rental space only upon one of the following grounds:

(1) The tenant has failed to pay the rent to which the landlord is entitled.

(2) The tenant has violated an obligation or covenant of the tenancy, other than the obligation to surrender possession upon proper notice, and has failed to cure such violation after having received written notice thereof from the landlord.

(3) The tenant is committing or permitting to exist a nuisance in or is causing damage to, the rental space or to the appurtenances thereof, or to the common areas of the park containing the rental space, or is creating an unreasonable interference with the comfort, safety, or enjoyment of any of the other residents of other mobilehomes in the park, and has failed to cure such violation after having received written notice thereof from the landlord.

(4) The tenant is using or permitting a rental space to be used for any illegal purpose.

(5) The tenant, who had a written lease or rental agreement which terminated on or after the effective date of this ordinance, has refused, after written request or demand by the landlord, to execute a written extension or renewal thereof for a further term of like duration with similar provisions and in such terms as are not inconsistent with or violative of any provisions of this Chapter.

(6) The tenant has refused the landlord reasonable access to the space for the purpose of making repairs or improvements, or for the purpose of inspection as permitted or required by the lease or by law, or for the purpose of showing the rental space to any prospective purchaser or mortgagee.

(7) The person in possession of the rental space at the end of a lease term is a subtenant not approved by the landlord.

(8) The landlord seeks in good faith to recover possession so as to demolish or perform other work necessitating the removal of the rental space from rental housing use, except that if the landlord seeks to recover possession for the purpose of converting the space into a stock cooperative, the landlord must have complied with the notice requirements of Government Code section 66427.1 and applicable City ordinances.

(9) The landlord seeks in good faith to recover possession in order to permanently remove the rental space from rental housing use.
(b) If the dominant intent of the landlord in seeking to recover possession of a rental space is retaliation against the tenant for exercising his/her rights under this Chapter, and if the tenant is not in default as to the payment of rent, the landlord may not recover possession of a rental space in any action or proceeding or cause the tenant to quit involuntarily.

(c) Before a landlord can use tenant violation of a covenant or obligation of tenancy as grounds for eviction, the landlord must have provided the tenant with a written statement of the respective covenants and obligations of both the landlord and tenant prior to such alleged violation, and such statement must have set forth the particular covenant or obligation subsequently alleged to have been violated.

(d) In any action by a landlord to recover possession of a rental space, the tenant may raise, as an affirmative defense, any of the grounds set forth in Subsections (a), (b), and (c) of this section.

(e) In the event it should be determined that any provision of this section is in conflict with California law relative to landlord/tenant relationships, including eviction of tenants, then, and in that event, any rental space which becomes vacant following eviction for any reason other than nonpayment of rent, shall not be re-rented at a rent in excess of the maximum adjusted rent as defined herein.

Sec. 5-25.08. 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 Five Hundred Dollars ($500.00).

Sec. 5-25.09. Refusal of a tenant to pay.

A 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.
Sec. 5-25.10. Prior Ordinances.

(a) 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, and 1216-NS. This Chapter shall control to the extent a conflict exists between it and any former law to the contrary, however, the former ordinances shall provide a supporting basis for the findings and interpretations of this ordinance and shall be employed when necessary in determining the maximum rent, maximum adjusted rent and maximum base rent for a space.

Sec. 5-25.11. Appeals.

Any dispute, contention, or disagreement relative to interpretation, application or enforcement of this Chapter or any provisions thereof, shall be submitted to the City Council for determination in accordance with the provisions of section 1-4.01 through section 1-4.05 of the Thousand Oaks Municipal Code, provided that all decisions of the City Manager shall first be appealable to and ruled on by the Commission.

Sec. 5-25.12. 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 mobilehome 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 City Manager, upon a form approved by the City Manager, information indicating the maximum base rent and maximum adjusted rent for each rental space in the complex as of October 1 of that year. 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 section 5-25.05.

(c) Registration Fee. By January 1 of each year, the landlord shall submit to the City Manager, a registration fee in the amount of $10.00 for each controlled rental space in the City of Thousand Oaks. A landlord who does not pay the registration fee by January 1 of any given year shall be assessed a late charge of $2.00 per month per space for which the registration fee is not paid. The City Council may from time to time adjust this fee by resolution. This section shall not apply to any space which will not receive an increase in rent pursuant to section 5-25.05(a) in any year for which the fee is due, provided that the landlord identify each space which will not receive such an increase by indicating "no increase" in the "Comments" section of the Registration Form (section 5-25.12(b)), above.
Part 3

Severability
(Uncodified)

If any provisions or clause of this ordinance or the application thereof to any person or circumstance is held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other ordinance provisions or clauses or applications thereof which can be implemented without the invalid provision or clause or application, and to this end, the provisions and clauses of this ordinance are declared to be severable.

* * * * *

PASSED AND ADOPTED this 23rd day of January, 1996

ANDREW P. FOX, Mayor
City of Thousand Oaks, California

ATTEST:

Nancy A. Dillon, City Clerk

APPROVED AS TO FORM:

Mark G. Sellers, City Attorney

APPROVED AS TO ADMINISTRATION:

Grant R. Brimhall, City Manager

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CERTIFICATION

STATE OF CALIFORNIA   )
COUNTY OF VENTURA    ) SS.
CITY OF THOUSAND OAKS )

I, NANCY A. DILLON, City Clerk of the City of Thousand Oaks, DO HEREBY CERTIFY that the foregoing is a full, true, and correct copy of Ordinance No. 1254-NS, that was introduced by said City Council at a regular meeting held January 16, 1995 and adopted by said City Council at a regular meeting held January 23, 1995, by the following vote:

AYES: Councilmembers Markey, Zukowski, Zeanah and Mayor Fox

NOES: None

ABSENT: Councilmember Lazar

I further certify that said Ordinance 1254-NS was published as required by law in the THOUSAND OAKS STAR, a newspaper of general circulation printed and published in said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Thousand Oaks, California.

[Signature]
Nancy A. Dillon, City Clerk
City of Thousand Oaks, California

Administrative Note/Correction 10/31/08
Ordinance No. 1254-NS introduced January 16, 1996
Ordinance No. 1254-NS adopted January 23, 1996
ORDINANCE NO. 1559-NS

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THOUSAND OAKS AMENDING THOUSAND OAKS MUNICIPAL CODE SECTIONS 5-25.02, 5-25.05, 5-25.06(a), 5-25.10 AND 5-25.12, AND ADDING SECTIONS 5-25.05.1 AND 5-25.05.2, RELATING TO MOBILE HOME RENT STABILIZATION, AND RESCINDING RESOLUTION NO. 84-037, RESOLUTION NO. 2011-025, AND RENT ADJUSTMENT COMMISSION RESOLUTION NO. RAC 09-2011. (MCA 2011-70254)

The City Council of the City of Thousand Oaks does hereby ordain as follows:

Part I
(Uncodified)

Findings

A. The City’s current Mobile Home Rent Stabilization Ordinance (“Ordinance”) codified as Thousand Oaks Municipal Code section 5-25.01 et. seq., provides mechanisms for mobile home park owners to make annual automatic rent adjustments, and in addition to seek discretionary administrative rent adjustments for Just and Reasonable Return and reimbursement for capital improvements and rehabilitation expenditures.

B. Recently some park owners have filed applications for administrative Just and Reasonable Return adjustments that have resulted in contentious and costly hearings and lawsuits, as well as creating uncertainty regarding the magnitude of future rent increases.

C. Specifically, Thunderbird Mobile Home Park was granted a $62 per month Just and Reasonable Return increase to be implemented at $31 per month per year over two years (City Council Resolution No. 2011-013). Ranch Mobile Home Park was granted a $191.95 Just and Reasonable Return increase to be implemented over 7 years with an interest component (City Council Resolution No. 2011-025).

D. Without amendments to the Ordinance, it is likely that these contentious and costly Just and Reasonable Return rent adjustment applications will continue in the future.
E. Park owners from most mobile home parks and resident delegates chosen by the residents from most of the mobile home parks in Thousand Oaks agreed to participate in a voluntary mediation process where Mayor Andrew P. Fox acted as mediator, pursuant to City Council authorization.

F. The purpose of the mediation was to reach collective agreement between the park owners and the resident delegates on amendments to the City's Mobile Home Rent Stabilization Ordinance to provide certainty regarding future rent increases, maintain affordable rents for residents, provide a reasonable rate of return for owners and provide peace among the park owners, park residents, and City.

G. On June 4, 2011, the mediation culminated in an agreement on modifications to the Ordinance among the mobile home park owners and the resident delegates and City.

H. In order to effectuate the mediated agreement, City Council must adopt amendments to the Ordinance that are consistent with the mediated agreement and adopt a Resolution to implement changes to the capital improvements list.

I. As part of the mediated agreement, mobile home park owners have agreed to record certain covenants against their park property providing that the park owners will not sue over this revised ordinance or to seek Just and Reasonable Return rent adjustments for a period of ten (10) years.

J. City Council finds that the proposed Ordinance amendments contained herein will provide long term stability, by minimizing the need for contentious and costly administrative adjustment applications, providing certainty and predictability for future rent increases, and maintaining affordable rents and a reasonable rate of return.

K. City Council understands that if material amendments to this ordinance are made within the next ten (10) years, then park owners are not bound by their covenant not to sue or not to seek Just and Reasonable Return administrative rent adjustments.

L. Ranch Mobile Home Park has operated outside most of the provisions of the Ordinance and rent adjustments have been historically governed by City Council Resolution No. 84-037. The most recent administrative adjustment for a Just and Reasonable Return for Ranch Mobile Home Park has demonstrated the difficulties in reconciling Resolution 84-037 with the Ordinance. City Council finds that Ranch Mobile Home Park should be governed exclusively by the provisions of the Ordinance, in order to provide consistent regulation of all mobile home parks within the City. City Council further finds that the Ordinance
as amended will provide adequate safeguards to ensure that Ranch Mobile Home Park is affordable to lower income tenants.

**Part 2**

Section 5-25.02 of the Thousand Oaks Municipal Code is hereby amended to add a definition of "Base Year," and revise certain other definitions therein as follows:

"Sec. 5-25.02. Definitions.
...

"Base Year" means the figure employed when determining allowable automatic adjustment to rent pursuant to Section 5-25.05 of this article, as follows:

1. Prior to November 1, 2011, the Base Year shall be 1986.
2. From November 1, 2011 through October 31, 2015, the Base Year shall be 2005.
3. From November 1, 2015 through October 31, 2020, the Base Year shall be 2010.
4. From November 1, 2020 through October 31, 2025, the Base Year shall be 2015.
5. Thereafter, on November 1 at five-year intervals, the Base Year shall increase by five years from the previous Base Year.
6. For rental spaces vacated, as defined in Section 5-25.05.2, 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) through (5) above. The following are examples: Coach A is sold June 15, 2008 and subject to decontrol and recontrol on that same date. The Base Year for Coach A is 2008 from June 15, 2008 until October 31, 2015. Starting November 1, 2015 the Base Year for Coach A shall be 2010, pursuant to subsection (3), above. Coach B is sold on March 1, 2012 and rent is decontrolled and then recontrolled on that same date. The Base Year for Coach B is 2012 from March 1, 2012 through October 31, 2020. Starting November 1, 2020, the Base Year for Coach A shall be 2015, as provided in subsection (4), 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 two years or more, and exceeds $2,000, including but not limited to, 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. To be considered eligible, a major repair must increase the useful life of the improvement by at least 2 years and exceed $2,000 in cost.

"Index" means the figure employed when determining allowable rent increases under Section 5-25.05. Prior to November 1, 2017, the Index shall be calculated as seventy-five (75%) percent of the Los Angeles-Riverside-Orange Co. Consumer Price Index for all urban consumers for the year ending April 1, rounded to the nearest tenth. Commencing November 1, 2017, the Index shall be calculated as one hundred (100%) percent of said Consumer Price Index, rounded to the nearest tenth.

"Maximum adjusted rent" means the maximum rent plus any rent increase subsequently imposed pursuant to Sections 5-25.05, 5-25.05.1, 5-25.05.2, and 5-25.06. Said amount shall be rounded to the nearest dollar and shall not include any administrative adjustment for capital improvement and/or rehabilitation granted pursuant to Section 5-25.06.

"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. The temporary rent increase authorized by Section 5-25.05.1(a)(3) of this chapter shall not count toward the calculation of maximum base rent. Any increase subsequently effected pursuant to Section 5-25.05 shall be computed against the maximum base rent."

**Part 3**

Section 5-25.05 of the Thousand Oaks Municipal Code is hereby amended to read as follows:

"Sec. 5-25.05. 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.
   (1) For the year November 1, 2011 through October 31, 2012 no automatic annual adjustment shall be permitted.
   (2) For all other years, 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 Community Development Director or designee shall determine the Index for each year, and notify each landlord by mail of his or her determination."

Part 4

A new Section 5-25.05.1 is added to the Thousand Oaks Municipal Code to read as follows.

"Sec 5-25.05.1 Special Supplemental Rent Adjustment.

The special supplemental rent adjustment is intended to serve in lieu of administrative adjustments for Just and Reasonable Return under Section 5-25.06(b) for a period of ten (10) years from the date this ordinance becomes effective, August 18, 2011. The special supplemental rent adjustment is subject to the following requirements:

(a) For the Ranch Mobile Home Park, the maximum adjusted rent may be increased as follows:
   (1) For spaces where the coach is unoccupied as of the effective date of this ordinance, August 18, 2011, per space per month rents may be increased in the amount of $191.95
   (2) For spaces where the coach is occupied as of October 1, 2011, per space per month rents may be increased according to the following phase-in schedule

<table>
<thead>
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<th>Date</th>
<th>Rent Increase</th>
</tr>
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<tbody>
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<td>October 1, 2011</td>
<td>$27.42</td>
</tr>
<tr>
<td>October 1, 2012</td>
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<tr>
<td>October 1, 2013</td>
<td>$27.42</td>
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<tr>
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<td>October 1, 2015</td>
<td>$27.42</td>
</tr>
<tr>
<td>October 1, 2016</td>
<td>$27.42</td>
</tr>
<tr>
<td>October 1, 2017</td>
<td>$27.42</td>
</tr>
</tbody>
</table>

(3) In addition, for spaces where the coach is occupied as of October 1, 2011, a temporary increase in per space per month rent may be implemented in the following amounts (said amounts being an interest component on the supplemental rent pursuant to subsection (a) (2), above), during the following time periods:
October 1, 2011 through September 30, 2012: $6.58
October 1, 2012 through September 30, 2013: $5.48
October 1, 2013 through September 30, 2014: $4.39
October 1, 2014 through September 30, 2015: $3.29
October 1, 2016 through September 30, 2016: $2.19
October 1, 2017 through September 30, 2017: $1.10

(b) For all mobile home parks except Ranch Mobile Home Park, the maximum adjusted rent may be increased by $100 per space per month, to be implemented in accordance with the following phase-in schedule:

November 1, 2011: $16.67
November 1, 2012: $16.67
November 1, 2013: $16.67
November 1, 2014: $16.67
November 1, 2015: $16.67
November 1, 2016: $16.67

(c) That portion of the special supplemental increases not yet implemented as authorized by subsections (a) and (b) above shall not apply to spaces that have been fully decontrolled and recontrolled after November 1, 2011, pursuant to Sections 5-25.05.2(d) and (f) of this chapter.

(d) 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. If an increase has been noticed prior to the effective date of the ordinance adopting this section, said notice shall be construed as a valid notice to increase rents in an amount not to exceed the increase permitted by this section.

(e) Rent deferral program related to special supplemental increase. No special supplemental increase authorized by this section may be imposed for any space at any time, unless the mobile home park owner has offered tenants therein a rent subsidy program meeting the following criteria:

(1) The rent subsidy shall comprise a deferral of all or part of the special supplemental rent increase authorized above, as specified by a qualifying tenant.

(2) In order to qualify for a subsidy, a resident tenant must file a written application including all necessary supporting information, and an attestation to its truthfulness, with the park owner and must meet the following requirements:

(i) The tenant must have lived in the park continuously since June 30, 2011;

(ii) The tenant must be current in rent and not in violation of any park rules;

(iii) The tenant’s annual household income must be at or below the “very low income” level for Ventura County, as defined by the State of California;

(iv) The tenant shall provide relevant information and documentation requested by the park owner as reasonably necessary to determine tenant’s
entitlement to the rent subsidy (for example, copy of Federal income tax return and net worth statement).

(3) Any tenant that meets the criteria in subsection (2), above, shall be presumed entitled to the subsidy provided for herein. The park owner may rebut the presumption of eligibility and, if owner makes a determination of non-eligibility, then owner shall give the tenant a written response stating the reasons for rejection. The park owner bears the burden in cases of denial of the subsidy. In granting or denying the deferral, the guiding principle will be that in no event shall a tenant be forced from the mobile home park due to an inability to pay the unimplemented supplemental rent increase.

(4) The owner shall keep an accurate accounting of all deferred rent for each tenant, and shall provide each tenant receiving a rent deferral with an annual accounting thereof.

(5) As a condition of the rent deferral, the owner may require the tenant to repay to the owner any rent deferred, upon sale of the tenant’s coach.

(6) No interest shall be charged or due upon repayment of deferred rent.

(7) As a condition of deferring rent, the park owner may require that the deferred rent be secured by a non-interest-bearing lien on the tenant’s coach.

(f) Notice of “very low income” range After review of pertinent information from the State of California, the Community Development Director or designee shall determine the “very low income range” for Ventura County as defined by the State of California for each year, and notify each landlord by mail of his or her determination. Rent subsidy eligibility shall be based on the information provided pursuant to this subsection.

(g) There shall be a moratorium on filing of applications for administrative rent adjustment under Section 5-25.06(b) (“Just and Reasonable Return”) of this chapter until August 18, 2021, unless a material provision of this Ordinance adopted on July 19, 2011, is subsequently amended, or invalidated by court order, or if the City takes any action that has the effect of significantly depriving or impairing a mobile home park owner of the benefits of this revised ordinance.”

**Part 5**

A new Section 5-25.05.2 is added to the Thousand Oaks Municipal Code to read as follows:

“Sec. 5-25.05.2 Vacancy decontrol/recontrol

The following provisions apply to any rental space that is vacated, voluntarily or as the result of eviction, or to the replacement of any coach on a rental space.

(a) In all mobile home parks, except Ranch Mobile Home Park, for a new tenant occupying an existing coach, the maximum adjusted rent for the space may be increased upon re-rental as follows:

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Ord. No. 1559-NS
(1) By 15%, if the space is re-rented prior to November 1, 2017.
(2) By 10%, if the space is re-rented on or after November 1, 2017.
(b) In the Ranch Mobile Home Park, for a new tenant occupying an existing coach, the maximum adjusted rent for the space may be increased to an amount equal to ten (10%) percent higher than the sum of the following:
(i) The current maximum adjusted rent for the space, plus
(ii) Any portion of the special supplemental rent increase allowed under Section 5-25.05.1(a)(2) that has not yet been taken.
(c) Notwithstanding subsections (a) and (b) above, no increase shall be permitted if the new tenant is an immediate family member of the existing tenant. For purposes of this section, the term “immediate family member” shall include a parent, grandparent, child, sibling, stepparent, stepchild, or step-sibling only.
(d) For a new tenant bringing a coach onto and occupying an empty rental space, or replacing the existing coach, the maximum adjusted rent may be increased to any amount upon the re-rental of the space.
(e) For a change of coach by an existing tenant who has been a resident of the park at least one (1) year, no increase in rent shall be permitted.
(f) For a change of coach by an existing tenant who has been a resident less than one (1) year, the maximum adjusted rent may be increased to any amount.
(g) Thereafter, as long as the rental space continues to be rented by one or more of the same persons, no other rent increase shall be imposed except as provided in this chapter.
(h) 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. 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.”

Part 6

Section 5-25.06(a) of the Thousand Oaks Municipal Code is hereby amended to read as follows:

“Sec. 5-25.06 Administrative adjustments to rent.

(a) Capital improvements and rehabilitation. 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 Resolution No. 2011-046, adopted on July 12, 2011, the City Council has defined useful life categories for capital improvements and eligible rehabilitation work. 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 subsection 5-25.06(a) 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 subsection (a) and not subsection (b).

(1) 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 subsection 5-25.06(a):

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

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

(iii) The 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.

(2) Individual tenant space improvements. No increase shall be allowed when the improvement was discrete 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.

(3) 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:

(i) 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;

(ii) the notice was given at least 90 days prior to submittal of the application to the City;

(iii) the election required by subsection (i) 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;

(iv) 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;

(v) the owner shall provide documentation of number of ballots cast and the names and space numbers of those persons casting ballots in the election.

(4) Special requirements exception. The special requirements set forth in subsection 5-20.06(a)(3) above 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 or hearing officer, 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.

(5) Application filing procedure. Applications for rent adjustments under this subsection shall be submitted to the Community Development Department on forms provided for that purpose, and shall be accompanied by a filing fee of twenty dollars ($20) plus five dollars ($5) 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.

(6) 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 5-25.06(a)(5) above, the landlord shall provide a notice 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.

(7) 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 non-compliance with the provisions of this section and/or City Council Resolution No. 2011-046, adopted on July 12, 2011.

(8) 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 5-25.06(a)(12) 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 45 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 25.06(a)(12) of this chapter, if applicable.

(9) Consideration by hearing officer. Except for applications or parts thereof approved by the Community Development Director pursuant to subsection 5-25.06(a)(8) above, all other applications or parts thereof shall be decided by a hearing officer following a hearing. The hearing shall take place no later than sixty (60) days after the application is complete. The hearing officer 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 5-25.06(a) above, and any other factors the hearing officer 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.

(10) Notice of hearing. Notice of the 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.

(11) Decision of hearing officer. The hearing officer 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 hearing officer’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 25.06(a)(11) of this chapter, if applicable. The park owner shall post a copy of the decision at the Park Office in a conspicuous location.

(12) 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 of the following findings have been made:

(i) The work for which a rent adjustment is requested and the application submitted by the landlord meet the applicable requirements of subsections 5-25.06(a)(1) through 25.06(a)(5), above.

(ii) Landlord has given notice to tenants as required by subsection 5-25.06(a)(6), above.

(iii) 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 5-25.06(a) 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.

(13) 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 hearing officer, as applicable, and upon providing such notice of the approved increase to tenants whose rent is adjusted pursuant to the decision as may required by the Civil Code of California.

(14) Finality of decision. The decision of the Community Development Director or hearing officer, as the case may be, shall be final, and no appeal of
that decision may be taken by any party to the City Manager, Rent Adjustment
Commission, City Council or any other officer of the City.

(15) Required annual meeting. 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 for rent increases to
reimburse for capital expenditures."

Part 7

Section 5-25.10 of the Thousand Oaks Municipal Code is hereby
amended to read as follows:

“Sec. 5-25.10. 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, and 1254-NS. This chapter shall control to the extent a
conflict exists between it and any former law to the contrary.”

Part 8

Section 5-25.12 of the Thousand Oaks Municipal Code is hereby
amended to read as follows:

“Sec. 5-25.12. 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 November 1 of the prior
year. 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 5-25.05, 5-25.05.1, and
5-25.05.2.

(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 dollars ($10) 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 5-25.05 in any year for which the fee is due, provided
that the landlord identify each space which will not receive such an increase by

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indicating “no increase” in the “Comments” section of the Registration Form (Section 5-25 12(b)), above.”

**Part 9**
(Uncodified)

This ordinance rescinds and supersedes in its entirety Resolution No. 84-037, adopted on February 7, 1984, which set forth a net profit target formula for determining appropriate rent adjustments and age and income qualifications for tenancy at the Ranch Mobile Home Park. This ordinance brings Ranch Mobile Home Park under the full authority of the Mobile Home Park Rent Stabilization ordinance and removes any existing regulations pertaining to rate of return for the park owner or income and age restrictions on the park residents. Therefore, this ordinance controls over any conflicting provisions in Resolution No. 267-74 PC (TPD 74-6), including any subsequent modifications or amendments thereto. This ordinance also rescinds and supersedes in their entirety Resolution No. 2011-025, adopted by the City Council on May 24, 2011, which set a Just and Reasonable Return rental increase for Ranch Mobile Home Park, and Rent Adjustment Commission Resolution RAC 09-2011, pertaining to the same subject.

**Part 10**
(Uncodified)
Severability

If any section, subsection, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this title; it being hereby expressly declared that this title, and each section, subsection, sentence, clause and phrase hereof, would have been prepared, proposed, adopted, approved and ratified irrespective of the fact that anyone or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

**Part 11**
(Uncodified)
Continuation

Amendment herein of any provision of Chapter 25 Mobile Home Rent Stabilization of Title 5 of the Thousand Oaks Municipal Code will not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this ordinance’s effective date. Any such amended part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this ordinance.
Part 12
(Uncodified)
Effective Date

This ordinance shall take effect on the thirty-first (31st) day following its final passage and adoption, or when covenants, in a form approved by the City Attorney, are recorded against all existing mobile home parks in the City as stipulated under Paragraph I of Part 1 of this ordinance, whichever is later.

PASSED AND ADOPTED THIS 19th day of July, 2011.

Andrew P. Fox, Mayor
City of Thousand Oaks, California

ATTEST:

Linda D. Lawrence, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

By: Amy Albano, City Attorney

APPROVED AS TO ADMINISTRATION.

Scott Mitnick, City Manager
CERTIFICATION

STATE OF CALIFORNIA   )
COUNTY OF VENTURA    )   SS.
CITY OF THOUSAND OAKS )

I, LINDA D. LAWRENCE, City Clerk of the City of Thousand Oaks, DO HEREBY CERTIFY that the foregoing is a full, true, and correct copy of Ordinance No. 1559-NS, that was introduced by said City Council at a regular meeting held July 12, 2011 and adopted by said City Council at a regular meeting held on July 19, 2011 by the following vote:

AYES:        Councilmembers Glancy, Irwin, and Mayor Fox

NOES:        Councilmember Bill-de la Peña

ABSENT:      Councilmember Gillette

I further certify that said Ordinance No. 1559-NS was published as required by law in the THOUSAND OAKS STAR, a newspaper of general circulation printed and published in said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Thousand Oaks, California.

Linda D. Lawrence, City Clerk
City of Thousand Oaks, California

July 20, 2011
Date Attested

Ord. No. 1559-NS
ORDINANCE NO. 1686-NS


The City Council of the City of Thousand Oaks does hereby ordain as follows:

PART 1
Chapter 25 of Title 5 of the Thousand Oaks Municipal Code is to be amended and is to be read as follows:

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.
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-leased 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 step-sibling 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.

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 regarding a list of capital improvements, rehabilitation work, and useful life categories (resolution number to be provided after resolution adoption), 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.

**8/27/21 Administrative correction to include: Resolution No. 2021-034**
(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.

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 1-4.01 through section 1-4.05 of the Thousand Oaks Municipal Code.

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 Dollars ($2,000.00) or as may be amended pursuant to State law.

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.

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.

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.

5-25.14. Severability. 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.
Part 2
(Uncodified)
Effective Date

This Ordinance shall take effect on the nineteenth (19th) day of August, 2021, following its final passage and adoption.

PASSED AND ADOPTED this 6th day of July, 2021, by the following vote:

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

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

ATTEST/CERTIFY:

Cynthia M. Rodriguez, City Clerk
Date Attested: 7/12/2021

APPROVED AS TO FORM:
Office of the City Attorney

Felicia Liberman, Assistant City Attorney

APPROVED AS TO ADMINISTRATION:

Andrew P. Powers, City Manager

Introduced: June 22, 2021
Published: June 30, 2021 and July 13, 2021
Ordinance No.: 1686-NS

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.

cdd:430-40/Ordinance-CC#01/pz (MCA 2021-70174)
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