

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

October 1, 2011.	\$27.42
October 1, 2012:	\$27.42
October 1, 2013:	\$27.42
October 1, 2014:	\$27.42
October 1, 2015:	\$27.42
October 1, 2016:	\$27.42
October 1, 2017:	\$27 42

(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:

- (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 5-25.06(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- \_\_, 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

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.

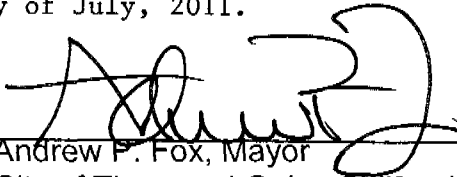
**Part 11**  
(Uncodified)  
Continuation

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 (31<sup>st</sup>) 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

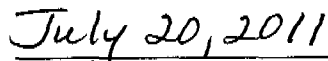
NOES:     Councilmember Bill-de la Peña

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

  
\_\_\_\_\_  
Date Attested