



CITY OF CALISTOGA

MOBILE HOME PARK RENT STABILIZATION ORDINANCE

INFORMATION SHEET

On May 18, 1993 the City Council adopted Calistoga's Mobile Home Rent Stabilization Ordinance (No. 493). The most recent amendment was adopted on October 2, 2007 (Ordinance No. 644). The Ordinance is codified in the Calistoga Municipal Code as Chapter 2.22 Mobile Home Park Rent Stabilization. This summary has been prepared to give you an introduction of the City's Ordinance, its benefits, and contact information of the Administrator. It also serves as an attempt to provide answers to the most common questions. It does not constitute a summary of the entire Ordinance and is not intended to serve as a substitute for the Ordinance. Before taking any action with regard to your rights, you are urged to obtain a copy of the complete ordinance and read it carefully. In certain instances, you may also want to seek legal advice.

The following are commonly asked questions about the Mobile Home Park Rent Stabilization Ordinance:

Must the park owner provide me with a copy of this summary and the ordinance? [Section 2.22.030 Applicability]

Within Forty-eight (48) hours prior to any rental agreement or lease in excess of 12 months executed by a homeowner or prospective homeowner, the park owner is required to provide a copy of this information sheet and inform the homeowner's or prospective homeowner in writing that consultation by the Park's homeowner association designated representative is available upon request. The park owner is not required to provide copies of the ordinance.

Why did the City Council establish this ordinance? [Section 2.22.010 Purpose and Findings]

Mobile home residents and park owners each have a substantial investment in their property. Unresolved differences can often result in unnecessary costs in time and money for both. This ordinance has been enacted to encourage stability in rent increases while respecting the rights of owners and residents.

This ordinance sets forth the following purposes for the regulations addressing mobile home park rent stabilization:

- Prevent exploitation of the shortage of vacant mobile home park spaces;
- Prevent excessive and unreasonable mobile home park space rent increases;
- Rectify the disparity of bargaining power that exists between mobile home park homeowners and mobile home park owners;
- Provide mobile home park owners with a rate of annual space rent increase that reflects the impact of inflation and/or increases in their expenses;
- Provide a process for insuring mobile home park owners a fair, just, and reasonable rate of return on their parks in cases where the annual space rent increase provided by this chapter proves insufficient;
- Provide continued rent stabilization on the sale or transfer of a mobile home on-site to

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prevent unnecessary and unreasonable rent increases to new mobile home homeowners.

Given these purposes, this ordinance has been developed to provide two basic outcomes: 1) a defined process by which rents may be increased to insure that mobile homes remain affordable and that rent increases are reasonable; and 2) that mobile home park owners receive a fair and reasonable rate of return.

Who is covered by the ordinance? [Section 2.22.030 Applicability]

The ordinance applies to every mobile home park and their spaces within the City. It does not apply if there is a lease between the resident and park owner on the space for a period greater than twelve (12) months.

Who administers the ordinance? [Section 2.22.020 Definitions - Administrator]

The Calistoga Planning and Building Director, or other designee as the City Manager may appoint. The Administrator may be contacted by calling (707) 942-2827 or at 1232 Washington Street, Calistoga, CA 94515 or by email at planning@ci.calistoga.ca.us.

How often can my rent be increased? [Section 2.22.070 Rent Increase Limitations]

Rents may be increased only once every twelve (12) months.

How can my rent be increased? [Section 2.22.070 Rent Increase Limitations]

This ordinance sets out six basic procedures whereby a park owner may propose a rent increase. Out of the six, four of these procedures are for space rent increases. They are as follows:

- Type 1 is the permissible annual rent increase, in the amount of either 100% of change in the Consumer Price Index (CPI) or 6% of the base rent, whichever is less. The CPI used is the all Urban Consumers San Francisco-Oakland Area, published by the US Dept of Labor, Bureau of Labor Statistics, published for the month of April (formerly July) or the closest preceding month.
- Type 2 requires park owners to show how costs such as operation, maintenance, capital improvements or substantial rehabilitation that were not “reasonably foreseeable” at the time of the last increase justify a further increase within the same 12-month period. This process requires mediation and if mediation fails, arbitration may be sought by the homeowners.
- Type 3 is for a rent increase exceeding the permissible annual rent increase limits, but less than 300% of the % change in the CPI. This process requires mediation and if mediation fails, arbitration may be sought by the homeowners.
- Type 4 is for a rent increase equal to or greater than 300% of the % change in CPI. This process requires arbitration.

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To pursue these possible increases, a park owner is required to give written notice to the homeowners at least 90 days before any rent increase is to take effect prior to the established anniversary date of the park. The park owner is required to post the anniversary date in the park office or office areas where it can easily be seen by the homeowners.

The two remaining rent increases procedures are as follows:

- An adjustment to an initial base rent where the park owner can clearly establish that circumstances exist which requires an adjustment to assure that the park owner is receiving a fair and reasonable return. This process triggers mediation and possible arbitration.
- An increase in base rent for a space whenever a lawful vacancy occurs. In the case of alleged violation of vacancy control rules, automatic arbitration is triggered.

Can rent be increased if a mobile home is sold? [Section 2.22.050 Vacancy Control]

The rent cannot be increased if a mobile home is sold and remains upon the space. However, the park owner is permitted to charge a new base rent for a space whenever a lawful vacancy occurs such as a termination of the tenancy by the park owner or from a voluntary removal of a mobile home from the space by the affected homeowner. A removal of the home from the space for the purpose of performing rehabilitation or capital improvements to the space or for the purpose of upgrading the mobile home shall not constitute a voluntary removal of the mobile home. Any alleged violation of these provisions is subject to automatic arbitration.

Can the Park Owner pass on to me the administration fee assessed under the ordinance? [Section 2.22.190 Fees]

The ordinance assesses a fee per space (as set by City Council Resolution) on the park owner to offset the administration of the City's mobile home rent stabilization program. If your space is covered under the ordinance, the park owner may pass through to you, once a year, no more than one-half of the fee charged for your space.

What if I believe the Park Owner is making things difficult for me because I have assisted in exercising homeowner rights under this ordinance? [Section 2.22.180 Retaliatory Acts – Homeowner's Right to Organize]

This ordinance prohibits a park owner from retaliating against a homeowner (or homeowner representative), or prospective homeowner's (or homeowner representative) or prospective homeowner's assertion or exercise of rights.

What penalties are associated with violations of this ordinance or an unauthorized rent increase? [Section 2.22.220 Violations; penalty; waiver of rights]

Any violations of the ordinance are considered a misdemeanor and subject to financial penalties. Violations are also subject to civil action. If you believe that your park owner is in violation of this ordinance, please contact the Administrator in writing to initiate an investigation.