

ORDINANCE NO. ORD-2022-017

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 6 OF THE SANTA ROSA CITY CODE CHAPTER 6-66 – RENT CONTROL - MOBILEHOMES

WHEREAS, the State of California has recognized, by the adoption of special legislation regulating tenancies of mobilehome owners in mobilehome parks, that there is a significant distinction between tenants of mobilehome parks and other dwelling units; and

WHEREAS, the physical removal and relocation of a mobilehome from a rented space within a mobilehome park can only be accomplished at substantial cost and inconvenience with limited ability to find another location; and

WHEREAS, in Santa Rosa and surrounding locations there is a shortage of sites for the placement of mobilehomes; and

WHEREAS, mobilehomes are an important source of housing for persons of low and moderate income; and

WHEREAS, many owners of mobilehomes are elderly and live on fixed incomes; and

WHEREAS, there is an extremely low vacancy rate in mobilehome parks in Santa Rosa; and

WHEREAS, owners of mobilehome parks are entitled by law to a fair rate of return; and

WHEREAS, Santa Rosa first adopted its mobilehome rent control ordinance in 1993; and

WHEREAS, no mobilehome park owner has requested a fair return hearing in Santa Rosa since 1999; and

WHEREAS, in the past ten years, the allowed rent increases in mobilehome parks have exceeded the increases in Social Security.

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

Section 1. Section 6-66.020 (G) of the Santa Rosa City Code is amended to read as follows:

“(G) “Consumer Price Index” or “CPI” means the Consumer Price Index for all urban consumers in the San Francisco/Oakland/Hayward, as may be amended from time to time, area published by the Bureau of Labor Statistics.”

Section 2. Sections 6-66.040 (A) and (B) of the Santa Rosa City Code are amended to read as follows:

“(A) Consumer Price Index. An owner, once in any 12-month period, may impose a rent increase for a mobilehome space by 70 percent of the percentage increase, if any, in the Consumer Price Index (CPI) during the most recent 12-month period ending in August; provided, however, the rental increase shall not exceed four percent of the previous rent charged for the space. If an owner has obtained a rent increase under subsection 6-66.050(B), the owner may calculate the rent increase allowed by this subsection based upon the approved comparable rent as allowed in subsection 6-66.050(B) instead of upon the actual rent in effect at the time of the increase.

(B) If the change in the CPI exceeds four percent for two consecutive years, the Clerk shall review the maximum rent increase and recommend an ordinance amendment if appropriate.”

Section 3. Section 6-66.050 (A)(1) of the Santa Rosa City Code is amended to read as follows:

“(1) The termination of the tenancy of the affected mobilehome owner in accordance with the MRL (California Civil Code sections 798.55 through 798.62, as amended, excepting section 798.59); or”

Section 4. Section 6-66.050 (B) of the Santa Rosa City Code is amended to read as follows:

“(B) Upon an in-place transfer of a Mobilehome, the park owner may increase the rent by an amount that does not exceed ten percent of the then current base rent.”

Section 5. Section 6-66.050 (C) of the Santa Rosa City Code is deleted.

Section 6. Section 6-66.140 of the Santa Rosa City Code is amended to read as follows:

“An owner shall disclose to each prospective mobilehome owner the current and proposed base rent for the mobilehome space and the rental agreement options required by this section and Section 6- 66.150, provide each prospective mobilehome owner with a copy of this chapter, and disclose to the prospective mobilehome owner under what circumstances that a lease will be exempt from rent control. The owner shall give the required disclosure and provide a copy of this chapter to the prospective mobilehome owner at the time that the owner, or owner’s representative, receives the prospective mobilehome owner’s application for tenancy. The required disclosures shall be made in a form approved by the Clerk, and the owner shall obtain a signature of the prospective mobilehome owner on the disclosure form acknowledging receipt of the disclosures. An owner must retain the signed disclosure form throughout the entire tenancy of the mobilehome owner. This signed form shall be made available to the Clerk upon reasonable written notice.”

Section 7. Section 6-66.150 of the Santa Rosa City Code is deleted.

Section 8. Environmental Determination. The Council finds that the adoption and implementation of this ordinance are exempt from the provisions of the California Environmental Quality Act under section 15061(b)3 in that the Council finds there is no possibility that the implementation of this ordinance may have significant effects on the environment.

Section 9. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 10. Effective Date. This ordinance shall take effect on the 31st day following its adoption.

This ordinance was introduced by the Council of the City of Santa Rosa on November 29, 2022.

IN COUNCIL DULY PASSED AND ADOPTED this 6th day of December, 2022.

AYES: (6) Mayor C. Rogers, Council Members Fleming, MacDonald, N. Rogers, Sawyer, Schwedhelm

NOES: (0)

ABSENT: (1) Vice Mayor Alvarez

ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM: _____
City Attorney