

From: Anthony Rodriguez <arodesq@pacbell.net>
Sent: Monday, October 21, 2024 2:00 PM
To: COB
Cc: 'Anthony Rodriguez'
Subject: October 22, 2024 Board of Supervisors Meeting - Objection to Proposed Guidelines - Agenda Item J-4
Attachments: Humboldt - Letter to Board of Supervisors Objecting to Proposed Guidelines for Mobilehome Rent Control Ordinance - October 21 2024.pdf

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Dear Board Members:

Please see the attached letter objecting to the guidelines proposed in Agenda Item J-4 for your October 22, 2024 Board Meeting. In addition to the attached letter, please review the letters, statutes, court cases, HCD records and other evidence I have previously provided to you and to County Counsel regarding this issue. What County Staff is proposing is so clearly illegal, I trust you will reject it in full.

Finally, please include the attached letter in the record for tomorrow's Board Meeting, as well as all of the other documents I have previously sent to the County regarding this issue, including the HCD records showing which spaces in Humboldt County are "mobilehome" spaces, and which are "RV" spaces.

Thank you,

Anthony C. Rodriguez

Law Office of Anthony C. Rodriguez
1425 Leimert Boulevard, Suite 101
Oakland, California 94602
Telephone: (510) 336-1536
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ANTHONY C. RODRIGUEZ

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October 21, 2024

Humboldt County of Board of Supervisors
825 Fifth Street
Eureka, California 95501

Re: **Humboldt County Mobile Home Rent Stabilization Ordinance/
October 22, 2024 Board of Supervisors Meeting / Agenda Item J-4**

Dear Board Members:

I am an attorney who has specialized in legal issues involving mobilehome parks, RV parks and rent control for 39 years. I am writing to object in the strongest possible terms to the County's attempt for the first time to apply to RV Parks a "Mobile Home Rent Stabilization Ordinance" that was adopted by the voters *eight* years ago.

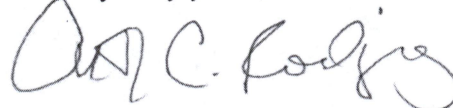
The simple truth is that County Staff and County Counsel are not being honest with you. Although I do not know whether you will review the many letters, statutes, court cases, or HCD records I have previously provided to the County, these facts are undeniable:

1. RVs are not mobilehomes, either functionally, or under California law;
2. RV spaces are not mobilehome spaces, either functionally, or under California law;
3. RV parks are not mobilehome parks, either functionally, or under California law;
4. Under California law, it is illegal for tenants to occupy mobilehomes in RV parks;
5. The County's own form for many years excluded RV spaces from the Ordinance;
6. The County's own website specifically states "RVs . . . are not . . . mobile homes."

Tellingly, County Counsel has not responded to most of the legal arguments and other documents I have provided. County Counsel's decision to omit any discussion of the statutes, cases, HCD records and other evidence this office has provided only confirms its intent to entice you to abuse your power, in violation of state and federal law.

Should the Board ratify this attempted abuse of power, that action will no doubt result in one or more lawsuits, which the County is certain to lose, at great expense to the taxpayers. In order to avoid that result, the Board is again urged to reject this knowing and intentional abuse of power and violation of the will of those who voted to regulate the rents for the owners of "Mobile Homes" in "Mobile Home Parks" with ten or more spaces in 2016.

Very truly yours,



Anthony C. Rodriguez



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT

3015 H Street Eureka CA 95501
Phone: (707) 445-7541 Fax: (707) 268-3792

Mobile Home Rent Stabilization
Annual Registration Form

Due by February 1st

Mobile Home Park Information

Park name: _____ No. of spaces (not including RV): _____
Manager name: _____ Manager phone: _____
Manager address: _____
Manager email: _____

Ownership Information – Complete information for each owner (person or entity)

Owner name: _____ Ownership interest: _____
Owner address: _____
Owner phone: _____ Owner email: _____

Owner name: _____ Ownership interest: _____
Owner address: _____
Owner phone: _____ Owner email: _____

Attach additional sheets if necessary

Exempt Spaces – List the space number for any exempt spaces within the park. Please check the appropriate reason for the exemption.

Space Number	Lease greater than 12 months	Absentee owner/ second home	Owned and rented by MH park owner	Other Space Vacancy (describe)†





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Frequently Asked Questions

I have a recreational vehicle (RV), is it considered a mobile home?

No. Recreational vehicles (RVs) as well as buses and prefabricated housing units, are not considered mobile homes.

▼ Treasurer - Mobile Home

[Show All Answers](#)

1 What is a mobile home?

A mobile home is a structure, transportable in 1 or more sections, designed and equipped to contain 1 or more dwelling units, and to be used with or without a foundation system. Specifically any trailer coach that is more than 8 feet wide or 40 feet long, or 1 that requires a permit to move on the highway is considered a mobile home.

2 I have a recreational vehicle (RV), is it considered a mobile home?

No. Recreational vehicles (RVs) as well as buses and prefabricated housing units, are not considered mobile homes.

3 My mobile home is sitting on a permanent foundation on my property - how will it be taxed?

4 Under which circumstances would my mobile home automatically become subject to local property taxes as opposed to in-lieu license fees?

5 Are there any advantages to changing from in-lieu license fees to local property taxation?

6 How do I find out if I am entitled to the homeowner's exemption?

7 How can I change taxation of my mobile home from license fees to the local property tax system?

8 If my mobile home currently is subject to local property taxation, can I request reinstatement of vehicle license fees?

9 If I buy a used mobile home subject to local property taxes, how do I get the title transferred to my name?

10 If I purchase a used mobile home or modify my mobile home by construction, will I have to pay supplemental taxes?

11 How is the amount of my mobile home property taxes determined?

12 Do I have any recourse if I disagree with the valuation placed on my mobile home by the assessor?

13 What happens if I fail to pay my mobile home property taxes on time?

[Home Table of Contents](#)**§ 2118. Lot Occupancy.**

25 CAADC § 2118

Barclays Official California Code of Regulations

Barclays California Code of Regulations

Title 25. Housing and Community Development

Division 1. Housing and Community Development

Chapter 2.2. Special Occupancy Parks

Article 2. General Park Requirements

25 CCR § 2118

§ 2118. Lot Occupancy.Currentness

- (a) Parks shall accommodate only recreational vehicles, tents, and camping cabins.
- (b) A manufactured home or mobilehome shall not be located or installed in a park except for use by persons employed in the management or operation of the park.
- (c) A permanent building, garage, cabana, or storage building shall not be constructed or installed on any lot in a park.
- (d) Lot occupancy shall not exceed the number of persons in a camping party as defined in section 18862.7 of the Health and Safety Code.
- (e) When the provisions of this section allow two units or tents on a single lot, the separation requirements contained in subsection 2330(a) do not apply to the units or tents on that lot.
- (f) The following shall apply to lots in parks designed to accommodate recreational vehicles.
 - (1) Except as provided in paragraph (2) of this section, lot shall accommodate no more than:
 - (A) one (1) recreational vehicle and one (1) tent, or
 - (B) one (1) camping cabin, or
 - (C) two (2) tents, or
 - (D) one (1) manufactured home or mobilehome used in accordance with subsection (b).
 - (2) When used as a frequent means of transportation, a self-propelled recreational vehicle or truck mounted camper may be parked beside an occupied unit. That vehicle shall not be occupied or connected to the lot's utility facilities or interconnected with the occupied unit.
- (g) The following shall apply in parks designated as incidental camping areas.
 - (1) An incidental camping area shall accommodate only recreational vehicles, tents, or campers furnishing their own camping equipment.
 - (2) A cabana, ramada, garage, or permanent building shall not be constructed, or installed, on any campsite in an incidental camping area.
 - (3) An incidental camping area campsite shall accommodate no more than:
 - (A) two (2) recreational vehicles, or
 - (B) one (1) camping party, or
 - (C) two (2) tents, or
 - (D) one (1) recreational vehicle and one (1) tent, or

176 Cal.App.4th 1270

Court of Appeal, First District, Division 2, California.

SEQUOIA PARK ASSOCIATES,

Plaintiff and Appellant,

v.

COUNTY OF SONOMA,

Defendant and Respondent.

No. A120049.

|

Aug. 21, 2009.

|

Rehearing Denied Sept. 10, 2009.

|

Review Denied Dec. 2, 2009.

*1279 the two laws. “ ‘In determining whether the Legislature has preempted by implication to the exclusion of local regulation we must look to the whole ... scope of the legislative scheme.’ ” (*Big Creek, supra*, 38 Cal.4th 1139, 1157, 45 Cal.Rptr.3d 21, 136 P.3d 821, quoting *People ex rel. Deukmejian v. County of Mendocino* (1984) 36 Cal.3d 476, 485, 204 Cal.Rptr. 897, 683 P.2d 1150; accord, *American Financial Services Assn. v. City of Oakland* (2005) 34 Cal.4th 1239, 1252, 1261, 23 Cal.Rptr.3d 453, 104 P.3d 813; *Morehart v. County of Santa Barbara* (1994) 7 Cal.4th 725, 751, 29 Cal.Rptr.2d 804, 872 P.2d 143.) Such an examination is made with the goal of “ ‘detect[ing] a patterned approach to the subject’ ” (*Fisher v. City of Berkeley* (1984) 37 Cal.3d 644, 707–708, 209 Cal.Rptr. 682, 693 P.2d 261, quoting *Galván v. Superior Court* (1969) 70 Cal.2d 851, 862, 76 Cal.Rptr. 642, 452 P.2d 930), and whether the local law mandates what state law forbids, or forbids what state law mandates. (*Big Creek, supra*, 38 Cal.4th 1139, 1161, 45 Cal.Rptr.3d 21, 136 P.3d 821; *Great Western Shows, Inc. v. County of Los Angeles* (2002) 27 Cal.4th 853, 866, 118 Cal.Rptr.2d 746, 44 P.3d 120.)

Sequoia sees this as a case of express preemption, although it argues in the alternative that the Ordinance also falls to the concept of implied preemption. These contentions can only be evaluated with an appreciation of the sizable body of state legislation concerning mobilehome parks.

The Extent Of State Law In The Area Of Mobilehome Regulation

Section 66427.5 does not stand alone. If the Legislature ever did leave the field of mobilehome park legislation to local control, that day is long past.

**676 Since 1979, the state has had the Mobilehome Residency Law, which comprises almost a hundred statutes governing numerous aspects of the business of operating a mobilehome park. (Civ.Code, §§ 798–799.10.) There are several provisions expressly ordering localities not to legislate in designated areas, such as the content of rental agreements (Civ.Code, §§ 798.17, subd. (a)(1)), and establishing specified exemptions from local rent control measures. (Civ.Code, §§ 798.21, subd. (a), 798.45.)² By this statutory scheme, the state has undertaken to “extensively regulate[] the landlord-tenant relationship between mobilehome park owners and residents.” (*Greening v. Johnson* (1997) 53 Cal.App.4th 1223, 1226, 62 Cal.Rptr.2d 214; accord, *SC Manufactured Homes, Inc. v. Canyon View Estates, Inc.* (2007) 148 Cal.App.4th 663, 673, 56 Cal.Rptr.3d 79; *People ex rel. Kennedy v. Beaumont Investment, Ltd.* (2003) 111 Cal.App.4th 102, 109, 3 Cal.Rptr.3d 429.)

2 The Mobilehome Residency Law has been construed as not otherwise preempting or precluding adoption of residential rent control. (See Civ.Code, § 1954.25; *Cacho v. Boudreau* (2007) 40 Cal.4th 341, 350, 53 Cal.Rptr.3d 43, 149 P.3d 473 and decisions cited.)

*1280 Even earlier, in 1967, the state enacted the Mobilehome Parks Act (Health & Saf.Code, §§ 18200–18700), which regulates the construction and installation of mobilehome parks in the state. (See *County of Santa Cruz v. Waterhouse* (2005) 127 Cal.App.4th 1483, 1489–1490, 26 Cal.Rptr.3d 543.) In this act, the Legislature expressly stated that it “supersedes any ordinance enacted by any city, county, or city and county, whether general law or chartered, applicable to this part.” (Health & Saf.Code, § 18300, subd. (a).) The few exemptions from this prohibition are carefully delineated.³

3 “This part shall not prevent local authorities of any city, county, or city or county, within the reasonable exercise of their police powers, from doing any of the following: “(1) From establishing, subject to the requirements of Sections 65852.3 and 65852.7 of the Government

Code, certain zones for manufactured homes, mobilehomes, and mobilehome parks within the city, county, or city and county, or establishing types of uses and locations, including family mobilehome parks, senior mobilehome parks, mobilehome condominiums, mobilehome subdivisions, or mobilehome planned unit developments within the city, county, or city and county, as defined in the zoning ordinance, or from adopting rules and regulations by ordinance or resolution prescribing park perimeter walls or enclosures on public street frontage, signs, access, and vehicle parking or from prescribing the prohibition of certain uses for mobilehome parks.

"(2) From regulating the construction and use of equipment and facilities located outside of a manufactured home or mobilehome used to supply gas, water, or electricity thereto, except facilities owned, operated, and maintained by a public utility, or to dispose of sewage or other waste therefrom when the facilities are located outside a park for which a permit is required by this part or the regulations adopted thereto.

"(3) From requiring a permit to use a manufactured home or mobilehome outside a park for which a permit is required by this part or by regulations adopted pursuant thereto, and require a fee therefor by local ordinance commensurate with the cost of enforcing this part and local ordinance with reference to the use of manufactured homes and mobilehomes, which permit may be refused or revoked if the use violates this part or Part 2 (commencing with Section 18000), any regulations adopted pursuant thereto, or any local ordinance applicable to that use.

"(4) From requiring a local building permit to construct an accessory structure for a manufactured home or mobilehome when the manufactured home or mobilehome is located outside a mobilehome park, under circumstances when this part or Part 2 (commencing with Section 18000) and the regulations adopted pursuant thereto do not require the issuance of a permit therefor by the department [i.e., the state Department of Housing and Community Development].

"(5) From prescribing and enforcing setback and separation requirements governing the installation of a manufactured home, mobilehome, or mobilehome accessory structure or building installed outside of a mobilehome park." (Health & Saf.Code, § 18300, subd. (g).)

****677** Then there is the Mobilehomes—Manufactured Housing Act of 1980 (Health & Saf. §§ 18000–18153), which regulates the sale, licensing, registration, and titling of

mobilehomes. The Legislature declared that the provisions of this measure "apply in all parts of the state and supersede" any conflicting local ordinance. (Health & Saf.Code, § 18015.) The HCD is in charge of enforcement. (Health & Saf.Code, §§ 18020, 18022, 18058.)

***1281** These statutory schemes indicate that the state is clearly the dominant actor on this stage. Under the Mobilehome Parks Act, it is the HCD, a state agency, not localities, that was entrusted with the authority to formulate "specific requirements relating to construction, maintenance, occupancy, use, and design" of mobilehome parks (Health & Saf.Code, § 18253; see also Health & Saf.Code §§ 18552 [HCD to adopt "building standards" and "other regulations for ... mobilehome accessory buildings or structures"], 18610 [HCD to "adopt regulations to govern the construction, use, occupancy, and maintenance of parks and lots within" mobilehome parks"], 18620 [HCD to adopt "regulations regarding the construction of buildings in parks that it determines are reasonably necessary for the protection of life and property"], 18630 [plumbing], 18640 ["toilet, shower, and laundry facilities in parks"], 18670 ["electrical wiring, fixtures, and equipment ... that it determines are reasonably necessary for the protection of life and property"]).

At present, the HCD has promulgated hundreds of regulations that are collected in chapter 2 of title 25 of the California Code of Regulations. (Cal.Code Regs, tit. 25, §§ 1000–1758.) The regulations exhaustively deal with a myriad of issues, such as "Electrical Requirements" (*id.*, 25, §§ 1130–1190), "Plumbing Requirements" (*id.*, §§ 1240–1284), "Fire Protection Standards" (*id.*, §§ 1300–1319), "Permanent Buildings" (*id.*, §§ 1380–1400), and "Accessory Buildings and Structures" (*id.*, §§ 1420–1520). The regulations even deal with pet waste (*id.*, § 1114) and the prohibition of cooking facilities in cabanas (*id.*, § 1462).

Once adopted, HCD regulations "shall apply to all parts of the state." (Health & Saf.Code, § 18300, subd. (a).) Mobilehomes can only be occupied or maintained when they conform to the regulations. (Health & Saf.Code, §§ 18550, 18871.) Enforcement is shared between the HCD and local governments (Health & Saf.Code, § 18300, subd. (f), 18400, subd. (a)), with HCD given the power to "evaluate the enforcement" by units of local government. (Health & Saf.Code, § 18306, subd. (a).) A locality may decline responsibility for enforcement, but if assumed and not actually performed, its enforcement power may be taken away by the HCD. (Health & Saf.Code, § 18300, subds. (b)–(c).)

Local initiative is restricted to traditional police powers of zoning, setback, permit requirements, and regulating construction of utilities. (Gov.Code, § 65852.7; Health & Saf.Code, § 18300, subd. (g), quoted at fn. 3, *ante*.)

It is the state that determines which events and actions in the construction and operation of a mobilehome park require permits. (Health & Saf.Code, §§ 18500, 18500.5, 18500.6, 18505; Cal.Code Regs, tit. 25, §§ 1006.5, 1010, 1014, 1018, 1038, 1306, 1324, 1374.5.) Even if the locality issues the annual permit for a park to operate, a copy must be sent to the HCD. **678 *1282 (*Id.*, §§ 1006.5, 1012.) It is the state that fixes the fees to be charged for these permits and certifications (Health & Saf.Code, §§ 18502, 18503; Cal.Code Regs, tit. 25, §§ 1008, 1020.4, 1020.7, 1025), and sets the penalties to be imposed for noncompliance. (Health & Saf.Code §§ 18504, 18700; Cal.Code Regs, tit. 25, §§ 1009, 1050, 1370.4.) Sometimes, the state assumes exclusive responsibility for certain subjects, such as for earthquake-resistant bracing systems. (Cal.Code Regs, tit. 25, § 1370.4(a).)

Additional provisions respecting mobilehome parks are in the Government Code. Cities and counties cannot decide that a mobilehome park is not a permitted use “on all land planned and zoned for residential land use as designated by the applicable general plan,” though the locality “may require a use permit.” (Gov.Code, § 65852.7.) “[I]t is clear that the Legislature intended to limit local authority for zoning regulation to the specifically enumerated exceptions [in Health and Safety Code section 18300, subdivision (g), quoted at fn. 3, *ante*] of where a mobilehome park may be located, vehicle parking, and lot lines, not the structures within the parks.” (*County of Santa Cruz v. Waterhouse*, *supra*, 127 Cal.App.4th 1483, 1493, 26 Cal.Rptr.3d 543.) A city or county must accept installation of mobilehomes manufactured in conformity with federal standards. (Gov.Code, § 65852.3, subd. (a).) Their power to impose rent control on mobilehome parks is restricted if the parks qualifies as “new construction.” (Gov.Code, § 65852.11, subd. (a); cf. text accompanying fn. 2, *ante*.)

This survey demonstrates that the state has a long-standing involvement with mobilehome regulation, the extent of which involvement is, by any standard, considerable. Having outlined the size of the state's regulatory footprint, it is now time to examine the details of section 66427.5 and the Ordinance.

Section 66427.5

Section 66427.5 is a fairly straight-forward statute addressing the subject of how a subdivider shall demonstrate that a proposed mobilehome park conversion will avoid economic displacement of current tenants who do not choose to become a purchasing resident. In its entirety it provides as follows:

“At the time of filing a tentative or parcel map for a subdivision to be created from the conversion of a rental mobilehome park to resident ownership, the subdivider shall avoid the economic displacement of all nonpurchasing residents in the following manner:

From: Alan Stevenson <alan@theboavidagroup.com>
Sent: Monday, October 21, 2024 1:38 PM
To: COB
Subject: Comment for Board of Supervisors Agenda Oct 22 2024 - Item J4
Attachments: Humboldt - Letter to County Counsel Re Distinction Between RV Parks and MH Parks and Voter Intent - September 25 2024.pdf; Humboldt - Letter to County Counsel Re Exemptions from Rent Control for RV Parks and Certain MH Parks - August 29 2024.pdf; Humboldt County Website Screenshot.pdf

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The BoaVida Group owns and manages the Trinidad Extended Stay RV Park. This is the park which has been the source of the current discussion about whether the MHRSO might apply to RVs. The irony in this situation is that while the rent increases we have done have exceeded what would have been allowed if this was a mobile home park, the increases have been moderate (around 1% to 2% above CPI) and have been significantly below what we would have been entitled to under a "Fair Return Process" given the very large investments we have made for infrastructure improvements.

The rent at this RV park is actually limited by the economics of supply and demand. During the colder months of the year, we typically have a vacancy rate of 15% to 25%.

However, the above is inconsequential as every single one of us need to abide by law. The Board of Supervisors obviously have a higher duty having taken an oath to protect the law, and I would request that the board members careful consider this duty and why an elected official would want to subvert our democratic process.

The MHRSO clearly does not apply to RVs in terms of voter intent, plain language, or the law. For years, the county staff followed the law and directed owners to not count RV spaces on the registration forms, and the county website very clearly stated that ordinance does not apply to RVs (screenshot attached). The plain language in the ordinance states that it applies to mobile homes in mobile home spaces.

I believe that the board of supervisors is being mislead and likely lied to by county staff. While deputy county counsel Joel Campell-Blair did respond to several letters from park attorneys, he chose not to responds to two letters from attorney Anthony Rodriquez that were a follow up to correspondence between Mr. Cambell Blair and other attorneys. The letters from Mr. Rodriquez lay out the arguments and relevant case law and support an overwhelming conclusion that the MHRDO does not apply to RVs. I find it interesting that Mr. Cambell Blair has elected to not respond as there are likely no relevant legal arguments opposing Mr. Rodriquez' conclusions.

I have attached the two letters sent by Mr. Rodriquez. I think it is very important for the board members to read these two letters and to ask Mr. Cambell-Blair to opine as to whether he feels that the MHRSO can apply to RVs. If Mr. Cambell-Blair is unwilling to do this, then the board should utilize a third party attorney to analyze and opine.

I would also suggest that the board of supervisors ask Ms. Kristin Martinique about her attempt to implement the addition of RVs to the MHRSO earlier this year without the knowledge of Mr. Ford or Mr. Campbell Blair. This provides another example of county staff ignoring the law and circumventing the county government.

Ignoring the law does not serve either the citizens or the Board of Supervisors. If changing the law would serve the citizens, then the Board of Supervisors has the power to create new law and should follow this process. It is time for the Board to reimplement the rule of law and abide by the process.

Thank you for your considerations in this matter.

Alan Stevenson
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ANTHONY C. RODRIGUEZ

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September 25, 2024

Joel Campbell-Blair, Esq.
Deputy County Counsel, County of Humboldt
825 Fifth Street
Eureka, California 95501

Re: **Humboldt County Mobile Home Rent Stabilization Ordinance/
Exemption for RV Parks and Certain Mobilehome Parks**

Dear Mr. Campbell-Blair:

I am responding to your September 3, 2024 email, regarding the exemption of RV parks and certain mobilehome parks from the County of Humboldt Mobile Home Rent Stabilization Ordinance ("the Ordinance"). Contrary to your claim, the County does not agree with your bad faith interpretation of the law. In fact, the County's own website specifically states that RVs are not mobilehomes. Of course, your bad faith interpretation of the distinction between mobilehomes and RVs is also at odds with both the plain and technical meaning of those terms, as well as the views of the California legislature, the California Courts, and the United States Supreme Court.

As you must know, the primary reason there are more than 90 mobilehome park rent control ordinances in California is because mobilehomes are not mobile. As virtually every mobilehome owner knows, once installed, it can cost \$10,000 to \$20,000 or more to relocate a mobilehome, which also includes obtaining a permit and hiring a licensed and insured mobilehome mover. By contrast, if the owner of an RV wants to move, they can simply unplug their utilities, turn the ignition key and drive out of the park, as thousands of RV owners do every single day all across the United States.¹

¹ See also *Yee v. Escondido* (1992) 503 U.S. 519, 523, where the United States Supreme Court discussed the immobility of mobilehomes as follows: "The term 'mobile home' is somewhat misleading. Mobile homes are largely immobile as a practical matter, because the cost of moving one is often a significant fraction of the value of the mobile home itself. They are generally placed permanently in parks; once in place, only about 1 in every 100 mobile homes is ever moved."

Joel Campbell-Blair, Esq.

September 25, 2024

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Even more to the point, your previous attempt to justify the expansion of the ordinance to include RVs was based primarily on your tortured interpretation of the word "mobilehome." However, my July 26, 2024 letter specifically stated it was not based on the distinction between mobilehomes and RVs, but the distinction between mobilehome parks and RV parks. As I advised in that letter, RV parks are not only distinct from mobilehome parks, residents are prohibited by California law from occupying mobilehomes in RV parks in each and every county in this state, including Humboldt County.

By this letter, you are again urged to abandon your bad faith attempt to make each and every RV parkowner in unincorporated Humboldt County retroactively liable to their tenants for years of supposedly "illegal" rent increases under an ordinance that was clearly written to apply only to mobilehome parks with at least 10 mobilehome spaces. Below is a more detailed summary of some of the more important legal authorities you seem to be intentionally ignoring. So there is no doubt both you and the Board of Supervisors had access to those legal authorities, I am also enclosing many of them with this letter, with key provisions highlighted in yellow.

A. Under the Rules of Statutory Construction, the Humboldt County Voters Were Presumed to Understand the Distinction Between Mobilehome Parks and RV Parks, as Well as the Distinction Between Mobilehomes and RVs.

Under the rules of statutory construction, the Humboldt County voters are presumed to have known of the distinction between mobilehome parks and RV parks at the time Measure V was adopted. That fundamental rule of statutory interpretation has been affirmed many times in this state, including by the California Supreme Court in *People v. Buychs* (2018) 5 Cal. 5th 857, 879, 880:

"In interpreting a voter initiative . . . we apply the same principles that govern statutory construction. . . Where a law is adopted by the voters, 'their intent governs.' . . . In determining that intent, 'we turn first to the language of the statute, giving words their *ordinary meaning*. . . . But the statutory language must also be construed in the context of the statute as a whole and the overall statutory scheme. . . *We apply a presumption, as we similarly do with regard to the Legislature, that the voters, in adopting an initiative, did so being 'aware of existing laws at the time the initiative was enacted.'*" (Emphasis added).

Joel Campbell-Blair, Esq.

September 25, 2024

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In this case, Measure V clearly and unambiguously defines “*mobile home park*” as “any area or tract of land where two or *mobile home lots* are rented or leased, or held out for rent or lease, to accommodate mobile homes used for human habitation for permanent, as opposed to transient, occupancy.” More important, Measure V clearly and unambiguously states that it applies only to “*mobile home park spaces* within the unincorporated areas of Humboldt County,” with the exception of “spaces in mobilehome parks with less than 10 spaces.” See Measure V, Section 9101-4: Applicability of Chapter.

In addition to the ordinary meaning of the terms “mobile home park,” “mobile home lots” and “mobile home park spaces,” the voters were presumed to have known of the hundreds of distinctions between mobilehome parks and RV parks, mobilehome lots and RV lots, and mobilehomes and RVs, throughout California law. Those distinctions include, but are not limited to the fact it is illegal for either a short term or a long term resident to install a mobilehome in an RV Park. In case you are not familiar with that law, Section 2118 of Title 25 of the California Code of Regulations, which applies to all RV parks in this state, addresses that prohibition as follows:

“(a) Parks shall accommodate only recreational vehicles, tents, and camping cabins.

(b) A manufactured home or mobilehome shall not be located or installed in a park except for use by persons employed in the management or operation of the park.” (Emphasis added).

In addition to the legal definitions regarding “mobilehomes” and “recreational vehicles,” the voters are also presumed to know the case law regarding mobilehome parks and RV parks, including the First District Court of Appeal’s decision in *Sequoia Park Associates v. County of Sonoma* (2009) 176 Cal. App. 4th 1270, 1279-1298. In that case, the Court confirmed in no uncertain terms that local governments cannot adopt laws regulating mobilehome parks that contradict state law, including Title 25 of the California Code of Regulations. The *Sequoia Park Associates* Court addressed that issue as follows:

“If the Legislature ever did leave the field of mobilehome park regulations to local government, that day is long past.

Since 1979, the state has had the Mobilehome Residency Law, which comprises almost a hundred statutes governing numerous aspects of the business of operating a mobilehome park.

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Even earlier, in 1967, the state enacted the Mobilehome Parks Act . . . which regulates the construction and installation of mobilehome parks in the state.

Under the Mobilehome Parks Act, it is HCD, a state agency, not localities, that was entrusted with the authority to formulate specific requirements regulating to the construction, maintenance, occupancy, use, and design of mobilehome parks.

At present, *HCD has promulgated hundreds of regulations that are collected at Title 25 of the California Code of Regulations. . . . Once adopted, HCD regulations 'shall apply to all parts of the state.'*" (Emphasis added).

Based on the above statutes, regulations and published court decisions, it is clear the state of California distinguishes between mobilehome parks and RV parks. It is equally clear those laws and regulations provide specific definitions for mobilehome parks, RV parks, mobilehomes and RVs. More important, the voters are presumed to have been aware of those distinctions when approving an ordinance that applied only to "mobile home park spaces within the unincorporated areas of the County of Humboldt," except those in "mobile home parks with less than ten (10) spaces." See Measure V, Section 9101-4.

B. Measure V's Reference to RV Parks in its Findings, But Nowhere Else, Provides Further Evidence it Does Not Apply to RV Parks.

"It is a settled principle of statutory interpretation that if a statute contains a provision regarding one subject, that provision's omission in the same or another statute regarding a related subject is evidence of a different legislative intent." *In re Anthony* (2015) 226 Cal. App. 4th 204, 215. Accordingly, "[w]hen the Legislature has employed a term or phrase in one place and excluded it in another, it should not be implied where excluded." *Pasadena Police Officers Assn. v. City of Pasadena* (1990) 51 Cal. 3d 564, 576.

Paragraph C in the "Findings" section of Measure V states that the Humboldt County General Plan supports "continuation of existing mobile home and long term occupancy recreational vehicle parks as an important source of affordable housing." Paragraph D in the "Findings" section of Measure V states further that the General Plan supports "continuation of existing mobile home and long term occupancy recreational vehicle through actions such as legislative change."

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However, Section E of those "Findings" states that rents in "mobile home parks have substantially exceeded the percentage increase in the Consumer Price Index," but makes no mention of rents in RV Parks. Similarly, Section F states that "as a practical matter, the mobile homes in the County's mobile home parks are 'immobile,'" but again makes no mention of RVs. Of course, Section G goes even further, citing both U.S. and California Supreme Court decisions regarding the immobility of mobilehomes, but cites no cases or statutes regarding the immobility of RVs, which as stated above can be moved by simply turning the ignition key and driving out of the park.

Based on the above "Findings," it is clear the drafters of Measure V recognized a distinction between mobilehomes and RVs. With clear knowledge of that distinction, the Ordinance was entitled "Mobile Home Rent Stabilization" and specifically advised the voters it would apply only to "mobile home park spaces within the unincorporated areas of the County of Humboldt," except those in "mobile home parks with less than ten (10) spaces." In that same light, the Ordinance contains definitions and rent restrictions for mobile homes, mobile home parks, and mobile home lots, but contains no such definitions or rent restrictions for RVs, RV parks or RV lots.

In short, although the drafters could have attempted to include rent restrictions for RVs, RV parks and RV lots in Measure V, they did not do so. Of course, it is not possible to know whether Measure V would have been approved by the voters if it had contained such restrictions.

Because both the California Legislature and HCD so clearly recognize the distinction between RV parks and mobilehome parks, and because the Ordinance contains no rent restrictions for RVs, RV parks or RV lots, the County is again requested to acknowledge each of the following:

1. The Ordinance does not apply to mobilehome parks or RV parks located within the city limits of any city in Humboldt County;
2. The Ordinance does not apply to mobilehome parks in unincorporated Humboldt County with less than ten spaces, including mobilehome parks with less than ten spaces that may contain or be adjacent to an RV park; and
3. The Ordinance does not apply to RV parks in unincorporated Humboldt County, regardless of whether the RV park is a stand-alone facility, or a separate section within a mobilehome park. See *Health and Safety Code Section 18862.39(a)*.

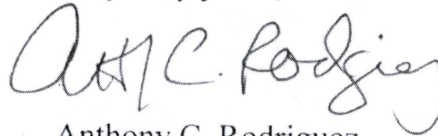
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There is nothing in Measure V to suggest the voters intended it to apply to RV parks, RV lots, or RVs. It would be nothing short of an arbitrary and unconstitutional abuse of government power to falsely find at this late date that Measure V applies to RV parks, thereby exposing the owners of those parks to claims based on rent increases that were legally implemented years ago, without objection. Because Measure V so clearly was intended to apply only to "mobile home park spaces within the unincorporated areas of the County of Humboldt," except those in "mobile home parks with less than ten (10) spaces," you are again requested to admit that fact.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Anthony C. Rodriguez".

Anthony C. Rodriguez

cc: Humboldt County Board of Supervisors
Scott A. Miles, Esq., Interim County Counsel
Kristen Martinique, Administrative Analyst
Western Manufactured Housing Communities Association ("WMA")

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August 29, 2024

Joel Campbell-Blair, Esq.
Deputy County Counsel, County of Humboldt
825 Fifth Street
Eureka, California 95501

Re: **Humboldt County Mobile Home Rent Stabilization Ordinance/
Exemption for RV Parks and Certain Mobilehome Parks**

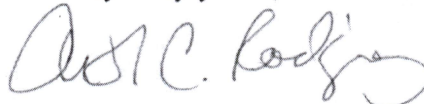
Dear Mr. Campbell-Blair:

As I have not heard from you, I am writing to follow up with respect to my July 26, 2024 letter regarding the Humboldt County Mobile Home Rent Stabilization Ordinance ("the Ordinance"). Given the overwhelming weight of the law and the evidence previously provided, the County is again requested to acknowledge each of the following:

1. The Ordinance does not apply to mobilehome parks or RV parks located within the city limits of any city in Humboldt County;
2. The Ordinance does not apply to mobilehome parks in unincorporated Humboldt County with less than ten spaces, including mobilehome parks with less than ten spaces that may contain or be adjacent to an RV park; and
3. The Ordinance does not apply to RV parks in unincorporated Humboldt County, regardless of whether the RV park is a stand-alone facility, or a separate section within a mobilehome park. See *Health and Safety Code Section 18862.39(a)*.

If you have any questions or comments regarding this letter, or my July 26, 2024 letter, please do not hesitate to contact me. Thank you.

Very truly yours,



Anthony C. Rodriguez

Joel Campbell-Blair, Esq.

August 29, 2024

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cc: Humboldt County Board of Supervisors
Scott A. Miles, Esq., Interim County Counsel
Kristen Martinique, Administrative Analyst
Western Manufactured Housing Communities Association ("WMA")



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Frequently Asked Questions

I have a recreational vehicle (RV), is it considered a mobile home?

No. Recreational vehicles (RVs), as well as buses and prefabricated housing units, are not considered mobile homes.

▼ Treasurer - Mobile Home

[Show All Answers](#)

1 What is a mobile home?

A mobile home is a structure, transportable in 1 or more sections, designed and equipped to contain 1 or more dwelling units, and to be used with or without a foundation system. Specifically any trailer coach that is more than 8 feet wide or 40 feet long, or 1 that requires a permit to move on the highway is considered a mobile home.

2 I have a recreational vehicle (RV), is it considered a mobile home?

No. Recreational vehicles (RVs), as well as buses and prefabricated housing units, are not considered mobile homes.

3 My mobile home is sitting on a permanent foundation on my property - how will it be taxed?

4 Under which circumstances would my mobile home automatically become subject to local property taxes as opposed to in-lieu license fees?

5 Are there any advantages to changing from in-lieu license fees to local property taxation?

6 How do I find out if I am entitled to the homeowner's exemption?

7 How can I change taxation of my mobile home from license fees to the local property tax system?

8 If my mobile home currently is subject to local property taxation, can I request reinstatement of vehicle license fees?

9 If I buy a used mobile home subject to local property taxes, how do I get the title transferred to my name?

10 If I purchase a used mobile home or modify my mobile home by construction, will I have to pay supplemental taxes?

11 How is the amount of my mobile home property taxes determined?

12 Do I have any recourse if I disagree with the valuation placed on my mobile home by the assessor?

13 What happens if I fail to pay my mobile home property taxes on time?