



COUNTY OF HUMBOLDT

For the meeting of: 10/17/2023

File #: 23-1325

To: Board of Supervisors
From: Planning and Building Department
Agenda Section: Departmental

SUBJECT:
Measure V - Mobile Home Rent Stabilization Ordinance Implementing Guidelines

RECOMMENDATION(S):
That the Board of Supervisors:

1. Receive and review the Mobile Home Rent Stabilization Ordinance Implementing Guidelines; and
2. Adopt the Mobile Home Rent Stabilization Ordinance Implementing Guidelines; and
3. Direct staff to implement the Mobile Home Rent Stabilization Ordinance Implementing Guidelines.

SOURCE OF FUNDING:
The preparation of these guidelines and this Board report are funded from the administrative service fees collected from persons occupying a space within a mobile home park that benefits from the Mobile Home Rent Stabilization Ordinance. These fees are collected and deposited into 1100282-631155 Administrative Fees of the Long Range Planning (Advance Planning) Division of the Planning and Building Department.

DISCUSSION:
This Board item will update the initial implementing guidelines adopted by Resolution 16-137 on Dec. 13, 2016 (Attachment A) for the Mobile Home Rent Stabilization Ordinance that was enacted by the voters of Humboldt County in 2016. The purpose of Ordinance 2569 (Attachment B) is to provide control and stabilization of rents charged by owners of residential rental property in mobile home parks, while allowing park owners to realize a fair return. To that end, the ordinance allows for the development of rules and guidelines for its implementation.

On Nov. 5, 2019, the Planning & Building Department brought before the Board Mobile Home Rent Stabilization Ordinance Implementing Rules and Procedures for consideration. At that time a motion was made to continue the conversation with stakeholders and citizens concerning the proposed rules and guidelines. Following the Board's direction, the Department held four public workshops to discuss the proposed guidelines.

The proposed implementation guidelines (Attachment C) now before you elaborate on the initial guidelines and answer questions that have arisen over several years of implementation. They were developed with active solicitation of input from the public during the four public workshops to which park owners, park tenants, and other interested parties were invited. Their purpose is to assist staff, park owners, and tenants in understanding the ordinance, address areas of ambiguity and document agreed-upon methods of implementation that are fair to all parties. Specific points of clarification include registration and verification of affected mobile home spaces, election of resident representatives, the conduct of hearings should there be a challenge to the amount of rent increase and remedies for violations of the ordinance.

Where there was no consensus, staff agreed to present alternatives to your Board for consideration. The alternatives concern two paragraphs under the section on Conduct of Hearings

Subject #1: Under Clause 15(p) Conduct of Hearings: Burden of Proof, the Complaints for Service Rent Reductions by Affected Tenants states that “the Affected Tenants shall have the burden of proof by a preponderance of the evidence unless the complainants seek to enforce an obligation expressly imposed upon the Landlord pursuant to the terms of a duly executed written lease, in such case the burden of proof shall be the Landlord’s by a preponderance of the evidence.”

Alternative #1 removes the language “unless the complainants seek to enforce an obligation expressly imposed upon the Landlord pursuant to the terms of a duly executed written lease, in such case the burden of proof shall be the Landlord’s by a preponderance of the evidence” and leaves the burden of proof on the Affected Tenants.

Subject #2: Under Clause 16 Conduct of Hearings: Attorney’s Fees states “the prevailing party shall be entitled to reasonable attorney’s fees and costs.” Additionally, “all Affected Tenants shall join the Petition regardless of whether such Affected Tenants signed the Complaint for Service Rent Reduction at the outset or not.”

Alternative #2 would 1.) have "each party...bear their respective costs" of going to the administrative hearing and, 2.) in Complaints for Service Rent Reduction, “only those Affected Tenants who signed the petition prior to the submission of the complaint shall be liable for any attorney’s fees awarded.”

These two alternatives may be individually determined.

The proposed guidelines do not supersede the terms of ordinance as set forth in Title IX, Division 10 of the Humboldt County Code, and should be read in context with the provisions of the ordinance. Nor do the guidelines revise the monthly administrative fee of \$5 per mobile home space adopted by Resolution 16-137.

FINANCIAL IMPACT:

Adopting the amended Mobile Home Rent Stabilization Ordinance Implementing Guidelines will have

no impact on the General Fund as the costs associated with preparing this Board item and the administration and enforcement of the rent stabilization provisions are paid with the administrative fees collected from those tenants who benefit from the ordinance.

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework by enforcing laws and regulations to protect residents and protecting vulnerable populations.

OTHER AGENCY INVOLVEMENT:

None

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board could choose to not adopt the amended Implementing Guidelines. However, this is not recommended because the clarity they will provide in implementing the Mobile Home Rent Stabilization Ordinance is needed.

ATTACHMENTS:

Attachment A - Resolution 16-137 Mobile Home Rent Stabilization Ordinance Implementing Guidelines December 13, 2016

Attachment B - Mobile Home Rent Stabilization Ordinance

Attachment C - Proposed Mobile Home Rent Stabilization Ordinance Implementing Guidelines

PREVIOUS ACTION/REFERRAL:

Board Order No.: 16-8898, 19-819

Meeting of: 12/13/2016, 11/5/2019

File No.: C-24